



W.P. No. 4395 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2023

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 4395 of 2021

S.Ramanathan

... Petitioner

-VS-

1. The District Collector,
Tirupur, Tirupur District.
2. The Superintendent of Police,
Tirupur, Tirupur District.
3. The Deputy Superintendent of Police,
Udumalpet, Tirupur District.
4. The Tahsildar,
Udumalpet, Tirupur District.
5. The Sub-Inspectors of Police,
Amaravathi Police Station,
Udumalpet, Tirupur District.
6. Muruges @ Murugesan
7. D.Dinakaran
8. D.Rajadurai
9. V.Eswaran

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First to Fifth



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Respondents to take appropriate action under Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and remove the obstruction in the plan marked cart track in S. Nos. 373 (B), 374, 376, 384/1, 373 (G) & 372 in Manupatti Village, Udumalaipettai Taluk, Tiruppur District.

For Petitioner : Mr. A.Sivaji

For Respondents : Mr. U.Baranidharan,
Additional Government Pleader
(for R1 & R4)

Mr. S.Rajkumar,
Additional Public Prosecutor
(for R2, R3 and R5)

Mr. P.Elango (for R6 to R9)

ORDER

Heard Mr. A.Sivaji, Learned Counsel for the Petitioner, Mr.U.Baranidharan, Learned Additional Government Pleader appearing for the First and Fourth Respondents, Mr. S.Rajkumar, Learned Additional Public Prosecutor appearing for the Second, Third and Fifth Respondents and Mr. P.Elango, Learned Counsel for the Sixth to Ninth Respondents and perused the materials placed on record, apart from the pleadings of the parties.



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2. It is the case of the Petitioner that he is a senior citizen and had made representation dated 04.11.2020 to the Fifth Respondent to remove the obstruction in the cart track to his agricultural land in Survey Nos. 470/A and 470/B4, Manupatti Village, Udumalaipettai Taluk, Tiruppur District, but as it did not evoke any response, it has necessitated the filing of this Writ Petition.

3. Learned Counsel for the Petitioner contends that the said representation has been made to the Fifth Respondent invoking Rule 20(2) of the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Rules, 2009, which envisages that it shall be the duty of the District Collector to ensure that life and property of senior citizens of the district are protected and they are able to live with security and dignity.

4. It is evident that the nature of claim made by the Petitioner falls within the realm of disputed questions of fact relating to property rights between private persons which cannot be effectively determined following summary procedure under Article 226 of the Constitution. It must be recapitulated here that the Hon'ble Supreme Court of India in the decision in **Roshina T. -vs- Abdul Azeez K.T.** [(2019) 2 SCC 329] has cautioned that such conflicting claims would have to be answered one way or the other only in a properly



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framed suit impleading necessary parties before the civil court. Consequently, it is not possible for this Court to delve into the merits of the controversy involved in the Writ Petition.

In fine, the Writ Petition is dismissed with the aforesaid observations. No costs.

09.11.2023

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Index: Yes/No

Note: Issue order copy by 24.05.2024.

To

1. The District Collector,
Tirupur, Tirupur District.
2. The Superintendent of Police,
Tirupur, Tirupur District.
3. The Deputy Superintendent of Police,
Udumalpet, Tirupur District.
4. The Tahsildar,
Udumalpet, Tirupur District.
5. The Sub-Inspectors of Police,
Amaravathi Police Station,
Udumalpet, Tirupur District.



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P.D. AUDIKESAVALU, J.

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