



WEB COPY

WP No.8169 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17-07-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.8169 of 2023

And

WMP No.8397 of 2023

S.Sivabakkiyam

... Petitioner

Vs.

1.The Director,
Directorate of Survey and Land Records,
Sakthi Nagar,
Saram,
Puducherry – 605 103.

2.The Sub Collector (Revenue) South,
South Car Street,
Villianur,
Puducherry – 605 110.

3.The Tahsildar,
Bahour Taluk,
Taluk Office,
Bahour,
Puducherry – 607 402.

4.Gopi



5.Kala

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second respondent to take appropriate action through the third respondent against the fourth and fifth respondents based on the petitioner's representations dated 06.09.2021 and 07.10.2021 to ensure the right of the petitioner to stay in the house property assigned to her by the first respondent herein.

For Petitioner : Mr.K.Elango

For Respondents-1 to 3 : Mr.P.S.Kothandaram,
Government Advocate (Puducherry).

For Respondents-4 and 5 : No Appearance

ORDER

The petitioner has given a complaint to the second respondent to protect her life and property. Since no action has been taken, the present writ petition has been filed by the petitioner.

2. Under Section 22 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, the District Collector is the Authority and



more specifically, Rule 20 of the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 stipulates the duties and powers of the District Collector. Sub Rule (2) of Clause (i) to Rule 20 states that “it shall be the duty of the District Collector to, (i) ensure that life and property of senior citizens of the District are protected and they are able to live with security and dignity”.

3. Therefore, the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, not only protects the parents, but also the senior citizens. This can be very well understood from the Enactment itself. The Act is named as the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. 'Senior Citizen' also has been defined under various provisions of the Act, which would indicate that protection has been extended to the senior citizen also. Hence, whenever the life of a Senior Citizen is in peril and a complaint or information has been received, it is the duty of the District Collector to conduct an enquiry and initiate all appropriate actions to protect the safety and security of the Senior Citizens under the Act.



4. If at all there is any civil dispute exists between the parties and any one of the party happens to be a Senior Citizen, then suitable actions are to be initiated to ensure that the parties are relegated to the Civil Court of Law for the purpose of resolving their disputes. During the said process, the District Collector shall ensure that the Senior Citizens have not been harassed by any person and the life and property of the Senior Citizens under those circumstances are to be protected by the District Administration.

5. Therefore, in the present case, the second respondent has to conduct an inspection and identify the problems and thereafter initiate appropriate actions to safeguard the interests of the Senior Citizens under the Act.

6. The petitioner in her sworn affidavit has stated that on 25.08.2014, she has given a representation to the Free Legal Aid Centre seeking their intervention. Her representation was marked as Petition No.6/14 with Centre No.4. Despite several notices sent to the respondents 5 and 6, they did not appear for counselling.



7. In this context, Section 21(ii) of the Senior Citizens Act, stipulates that the Central Government and State Government Officers, including the Police Officers and the members of the Judicial Service, are given periodic sensitization and awareness training on the issues relating to this Act. Sub Section (iii) to Section 21 provides effective co-ordination between the services provided by the concerned Ministries or Departments dealing with law, home affairs, health and welfare, to address the issues relating to the welfare of the senior citizens and periodical review of the same is conducted.

8. The spirit of the provisions are to be honoured by all Public Authorities concerned. In this context, the Judicial Officers of the Puducherry also has to ensure that legal assistances are provided to the Senior Citizens at free of cost, in order to protect their life and properties.

9. Accordingly, the Authorities concerned are directed to initiate all appropriate actions to ensure that the life and property of the petitioner has been protected in the manner known to law.



10. With the above directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

17-07-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

Note: Registry is directed to communicate the copy of this order to (1) The District Collector, Puducherry and to (2) The Secretary, District Legal Services Authority, District Court Campus, Puducherry.



To

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