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W.P.No.7362 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.7362 of 2023

Kaveriammal

... Petitioner

Vs.

1.The District Collector,
Erode District, Erode.

2.The Revenue Divisional Officer,
Erode, Erode District.

3.V.M.Gopal

4.Mohanasundaram

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 2nd respondent in his proceedings O.Mu.4462-5/2020/Aa2, dated 17.10.2022 and quash the same and consequently directing the 2nd respondent to pass afresh appropriate order by taking note of Under the Provisions of the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Act, 2007.



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For Petitioner : Mr.C.Prakasam

For Respondents : Mr.E.Veda Bagath Singh
Special Government Pleader [R1 & R2]

ORDER

This Writ Petition has been filed seeking for the issuance of a Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned order passed by the second respondent in his proceedings O.Mu.4462-5/2020/Aa2, dated 17.10.2022 and quash the same and consequently, to direct the second respondent to pass afresh appropriate order by taking note of Under the Provisions of the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

2.The case of the petitioner is that the petitioner is a Senior Citizen, who is aged about 87 years. When her husband was alive, they were running a tea and tiffin shop and they were having three sons and one daughter. After the demise of her husband, herself and her two sons were running the said tea and tiffin shop in a rented building. Thereafter, the petitioner purchased the said building in her name, after that, she conducted the marriage of her sons and daughter. All of them were



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separately living with their family and the petitioner is also living separately in her last son's house, the fourth respondent herein. However, the fourth respondent thrown out the petitioner from the house. Therefore, the petitioner made a representation before the first respondent on 28.10.2020 and the same was forwarding to the second respondent. However, the second respondent has passed the impugned order by rejecting the petitioner's representation on the ground that it is a property dispute between the petitioner and the private respondents. Challenging the same, the present writ petition is filed before this Court seeking for appropriate directions.

3.Mr.C.Prakasam, the learned counsel for the petitioner would submit that the petitioner is a Senior Citizen. She made a representation before the first respondent on 28.10.2020 under the provisions of Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Act, 2007 for taking action against the respondents 3 and 4 and the first respondent has forwarded the same to the second respondent for conducting enquiry. However, the second respondent without considering the provisions of the above said Act, has rejected the petitioner's representation on the



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ground that it is a property dispute between the petitioner and the private respondents. He would also submit that the second respondent has mechanically passed the impugned order, which is not maintainable.

4.Mr.E.Veda Bagath Singh, learned Special Government Pleader appearing for the respondents 1 and 2 fairly submitted that the impugned order passed by the second respondent is not a speaking order and they have mechanically rejected the petitioner's representation, which is not maintainable. Hence, this Court may set aside the impugned order and remand back the matter to the second respondent for passing fresh order under the provisions of the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Act, 2007, after providing opportunities to the petitioner and the respondents 3 and 4, within the time frame that may be stipulated by this Court.

5.Heard Mr.C.Prakasam, learned counsel for the petitioner and Mr.E.Veda Bagath Singh, learned Special Government Pleader appearing for the respondents 1 and 2 and perused the materials placed before this Court.



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6.In view of the fair submission made by the learned Standing Counsel appearing for the respondents 1 and 2, the impugned order passed by the second respondent in proceedings O.Mu.4462-5/2020/Aa2, dated 17.10.2022 is set aside and the matter is remitted back to the file of the second respondent and the second respondent is directed to hear the petitioner and the respondents 3 and 4 and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7.Accordingly, the Writ Petition is allowed. No costs.

10.03.2023

(2/2)

Index : Yes / No

Speaking order / Nonspeaking order

Netrual Citation Case : Yes / No

sp

To

1.The District Collector,
Erode District, Erode.

2.The Revenue Divisional Officer,
Erode, Erode District.



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M.DHANDAPANI, J.

sp

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