



W.P.No.11287 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.11287 of 2023

And

W.M.P.Nos.11167, 11170 and 11171 of 2023

Columbia Pacific Communities Pvt. Limited
Represented by its Authorized Person
K.Manimaran

... Petitioner

Vs.

1.Revenue Divisional Officer
O/o.Revenue Divisional Office
Taluk Office Complex,
Opp MEPZ, GST Road,
Kadaperi, West Tambaram,
Chennai – 600 045.

2.The District Social Welfare Officer,
Chengalpattu
CRC Guruvalamiya Building,
Panchayat Elementary School Campus,
85, Aalambakkam,
Chengalpattu – 603 001.

3.M/s.Serene Adinath Retirement Community
Apartment Owners Association
Rep. by its Secretary,
O.N.Kumaresh

(R3 impleaded vide order dated 14.06.2023
made in WMP16877/2023 in
WP.11287/2023 by MDIJ)

... Respondents



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Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for records of enquiry summons issued by first respondent in R.C.235/2023/A, dated 14.03.2023 and quash the same as illegal, arbitrary and non-est in law and consequently forbearing the respondents from interfering with the contractual affairs and private management of the petitioner.

For Petitioner : Mr.Sreenath Sridevan
Senior Counsel
for M/s.M.Nandhakumar

For Respondents : Mr.V.Manoharan for R1 and R2
Additional Government Pleader
Mr.Ralph V.Manohar for R3

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for records of enquiry summons issued by first respondent in R.C.235/2023/A, dated 14.03.2023 and quash the same as illegal, arbitrary and non-est in law and consequently forbearing the respondents from interfering with the contractual affairs and private management of the petitioner.

2.The case of the petitioner is that the petitioner is a service provider and is specialized in providing various senior care services.



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The third respondent made complaint as against the petitioner before the Revenue Divisional Officer on 19.01.2023 and based on the complaint the present impugned enquiry summons was issued to the petitioner. Aggrieved by the same, the petitioner has filed this writ petition.

3.The learned Senior Counsel appearing for the petitioner submitted that the Revenue Divisional Officer has no power to conduct enquiry inbetween the petitioner and the third respondent. The power to conduct enquiry is available only to the District Committee in terms of G.O.Ms.No.83, Social Welfare and Nutritious Meal Programme (SW 6(1)) Department, dated 23.11.2016 and the said Government Order did not authorise Government to conduct enquiry in respect of the service provider of Senior Citizens Apartment Owners and it is only restricted to Old Age Homes run by the State Government.

4.The learned Senior Counsel appearing for the petitioner further submitted that, it would suffice that if this Court issues direction to the District Committee to enquire into the matter and pass appropriate orders after providing opportunity to the petitioner



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and the third respondent and further submitted that they are entitled to enquire only in respect of maintenance of Old Age Homes and not entitled to enquire into the pricing structure.

5.The learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that earlier there was no need to check with regard to the maintenance and service provided to Old Age Homes and later there was lot of complaints poured to the Government and therefore the Government issued G.O.Ms.No.83, Social Welfare and Nutritious Meal Programme (SW 6(1)) Department, dated 23.11.2016 in terms of Section 32 (2) (d) of the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and as per the said Government Order, the District Committee is entitled to conduct enquiry in respect of the maintenance including the price structure fixed by the service provider. He further submitted that only enquiry summons was issued to the petitioner and the same has been challenged in this writ petition and further submitted that though Revenue Divisional Officer has no power to conduct enquiry inbetween the petitioner and the third respondent, the District Committee has the power to conduct enquiry.



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6. Heard the arguments advanced on either side and perused the materials available on record.

7. Considering the facts and circumstances of the case, this Court refrains itself from rendering any opinion on the merits of the case since rendering any opinion may adversely affect the interest of the petitioner as well as the private respondent. The issue that arises for consideration in this writ petition is whether the Revenue Divisional Officer has power to conduct enquiry inbetween the petitioner and the private respondent. It is fairly submitted on either side that the Revenue Divisional Officer has no power to conduct enquiry inbetween the petitioner and the private respondent and the power to conduct enquiry is available only to the District Committee in terms of G.O.Ms.No.83, Social Welfare and Nutritious Meal Programme (SW 6(1)) Department, dated 23.11.2016.

8. In view of the above, the Revenue Divisional Officer/ first respondent is directed to forward the entire papers to the concerned District Committee. On receipt of the same, the concerned District Committee shall hear the petitioner as well as the third respondent



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and pass appropriate orders, within a period of six weeks from the date of receipt of the papers from the first respondent.

9.The writ petition is accordingly disposed of. No costs.

Consequently, the connected miscellaneous petitions are closed.

20.06.2023

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

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