



W.P.No.18026 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.18026 of 2023

M/s.Serene Kshetra Owner's Association,
Rep by its Secretary
S.S.Raghavan
T3-11, Serene Kshetra,
Natthapettai, Ayyampettai Post,
Kanchipuram-631 601.

. . . Petitioner

Vs.

1. The District Collector,
Chairman District Committee
Office of the District Collector
Cheyyar-Kancheepuram
Tamilnadu-631 501.
2. The District Social Welfare Officer,
District Committee Member Secretary/Nodal Officer
No.43, 2nd Street, Gandhi Nagar,
Thaiyarkulam (Near Collectorate)
Kancheepuram-631 501.

. . . Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ, Order or Direction more particularly a Writ in the nature of Writ of Mandamus directing the respondents to consider the representation



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of the petitioner dated 11.03.2023 in accordance with G.O.(Ms).No.83, (Social Welfare and Nutritious Meal Programmee (SW 6(1)) Department, dated 23.11.2016 and the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Rule 2009, within a stipulated time fixed by this Hon'ble Court.

For petitioner : M/s.Ralph.V.Manohar
For Respondents : Mr.P.Sathish,
Additional Government Pleader

ORDER

This Writ Petition has been filed for a direction to the respondents to consider the petitioner's representation dated 11.03.2023 in terms of G.O.(Ms).No.83 (Social Welfare and Nutritious Meal Programmee (SW 6(1)) Department, dated 23.11.2016 and the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Rule 2009, within the time frame stipulated by this Court.

2. Mr.P.Sathish, learned Additional Government Pleader takes notice on behalf of the respondents.



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3. The senior citizens in the petitioner society are the purchasers under the Senior Citizens Residential Project at Nathapettai Village and Valluvapakkam Village, Kancheepuram District, which was jointly developed by the promoters namely M/s.Serene Senior Living Pvt.Ltd., M/s.Adinath Srinivasa Foundation LLP and M/s.Columbia Pacific Communities Private Ltd under the brand name “Serene Kshetra”. While so, M/s.Columbia Pacific Communities Private Ltd who is the registered service provider under the G.O.Ms.No.83, Social Welfare and Nutritious Meal Programme (SW 6(1)) Department, dated 23.11.2016 had unilaterally revised the maintenance charges with effect from 01.07.2020 which is in violation of terms of the said G.O. Challenging the increased maintenance charges, the petitioner made a representation before the 2nd respondent, pursuant to which a non-speaking order was passed, against which the Writ Petition in W.P.No.21312 of 2022. Pending the Writ Petition, the petitioner was informed by the service provider vide communication dated 29.04.2023 that the increased maintenance charges would be effected from April 2023. Therefore, the petitioner had raised a complaint dated 11.03.2023 before the respondents. However no action has been taken on the same. Hence, this Writ Petition.



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4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the respondents to consider the petitioner's complaint dated 11.03.2023 and pass orders on merits within the time frame stipulated by this Court.

5. Learned Special Government Pleader appearing on behalf of the respondents have no serious objections to the said order being passed.

6. In view of the limited relief sought for the petitioner, this Court without going into the merits of the case, directs the 2nd respondent to consider the representation dated 11.03.2023 requesting to conduct enquiry as to the increased maintenance which is in violation of the aforesaid G.O.(Ms).No.83 dated 23.11.2016 and pass appropriate orders on the same in accordance with law, within a period of Six weeks from the date of receipt of a copy of this order after affording an opportunity of personal hearing to the petitioner as well as to the aggrieved parties, if any.



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7. This Writ Petition stands disposed of with the aforesaid direction.

There shall be no order as to costs.

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Index : Yes / No

Internet : Yes / No

NHS

To

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