



WEB COPY

W.P.No.22104 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22104 of 2023

AL.Murugesan

... Petitioner

Vs.

- 1.The District Collector,
Ranipet District,
Ranipet.
- 2.Superintendent of Police,
Ranipet District,
Ranipet.
- 3.The Revenue Divisional Officer,
Ranipet Town,
Ranipet District.
- 4.The Tahsildar,
Walaja Town,
Ranipet District.

5.M.Kolandaivelu

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent 1 to take proper action to cancel the Gift Deed executed on 23.09.2004 by me and petitioner's wife and representation dated 21.06.2023.



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For Petitioner	: Mr.Hari Perumal
For R1 to R4	: Mr.G.Krishna Raja, Additional Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the respondents to take appropriate action to cancel the gift deed dated 23.09.2004.

2. The petitioner states that a Gift Deed was executed by the petitioner and his wife in favour of the 5th respondent / son of the petitioner on a belief that the 5th respondent will look after them during their old age.

3. The learned counsel for the petitioner states that the petitioner and his wife were neglected by the 5th respondent, who is none other than their son. The 5th respondent is not paying any maintenance or looking after them. The petitioner is now living separately and under those circumstances, the petitioner has sent a representation to the 1st respondent / the District Collector to cancel the Gift Deed, in order to protect his livelihood. Since no action has been taken, the petitioner has chosen to file the present writ petition.



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4. Under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, the competent authority under the Act is empowered to conduct an enquiry and cancel the Gift Deed, in order to protect the livelihood of the Senior Citizens. The District Collector is the *parens patriae* (Legal Protector) of the Senior Citizens, who all are residing in his District and therefore, he is bound to ensure the safety, security and livelihood of the Senior Citizens by passing necessary orders under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

5. The powers of the authorities conferred under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 has been considered by this Court in W.P.No.5049 of 2023 dated 12.07.2023 as follows:-

“ 16. The powers conferred under section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is to be read along with the duties and powers of the District Collector stipulated under Rule 20 framed under the Act. The rules are framed by virtue of the powers conferred under section 32 of the Act. Rule 20(2)(i) mandates that it shall be the duty of the Collector to ensure that the lives and properties of the



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Senior Citizens of the District are protected and they are able to live with security and dignity. Thus, the District Collector is parens patriae (Legal Protector) of the Senior Citizen to protect the life and property of the Senior Citizen and they are able to live with security and dignity. The wider powers conferred on the District Collector is to be exercised in all circumstances, when the Senior Citizen is in need of any protection or assistance. The powers conferred on the District Collector under the Rules shall be exercised in all circumstances where right to life of the Senior Citizen is infringed or under threat coercion or otherwise.”

6. In view of the fact that the petitioner is neglected by his son, the 3rd respondent / the Revenue Divisional Officer, Ranipet District, who is the competent authority is directed to conduct an enquiry by affording opportunity to the parties based on the representation submitted by the petitioner and pass appropriate orders to protect the life and livelihood of the petitioner. The 3rd respondent is directed to complete the said exercise within a period of eight (8) weeks from the date of receipt of a copy of this order.



7. With these observations, the writ petition stands dismissed. No costs.

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Index : Yes

Speaking order

To

- 1.The District Collector,
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S.M.SUBRAMANIAM, J.

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