



WEB COPY

W.P.No.27074 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27074 of 2023
and
W.M.P.No.26540 of 2023

P.Thirunavukkarasu

...Petitioner

Vs

- 1.The District Collector,
Office of the Collectorate,
Rajaji Salai, Chennai-600 001.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Puzhal, Chennai-600 066.
- 3.The District Registrar (Admn.),
North Chennai District Region Office,
Chennai-600 001.
- 4.The Inspector of Police (L&O),
H3, Tondiapet Police Station,
Chennai-600 081.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent-Registering Appellate Authority, North Chennai, Chennai-



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600001, made in Mu.Mu.Lr.No. 1927/Aa5/2023 dated 06.2023 and quash the same and consequently to direct the above Registering authority to cancel the above Sale Deed doc.No. 240/2014, stands in the name of T.Senthil Kumar, on the file of the Sub-Registrar, Royapuram, Chennai-600 013, on the grounds of no consent obtained from the petitioner and on the point of view of improper executions carried out by him and as not sustainable and unjustifiable in nature by way of giving suitable protection to elder person.

For Petitioner	: Mr.M.Pandiappan
For R1 to R3	: Mr.T.Arunkumar, Additional Government Pleader
For R4	: Mr.S.Vinoth Kumar, Govt. Advocate (Crl. Side)

ORDER

The writ on hand has been instituted questioning the order passed by the District Registrar in the proceedings dated June, 2023 under Section 77A of the Registration Act.

2. The petitioner is a senior citizen aged about 76 years. He is a Central Government pensioner and staying along with his wife, son and daughter-in-law at Tondiarpet, Chennai. The petitioner raised certain serious



allegations against his wife, son and daughter-in-law before the District Collector. The petitioner as well as his wife and son are present before this Court and the son of the petitioner made a submission that they are not causing any inconvenience to the petitioner. The petitioner mainly raised an allegation that he has been beaten up by his son and other family members including his wife. The petitioner is suffering from diabetes and he has to prepare food for himself and the family members are not supporting him.

3. The son of the petitioner, who is present before this Court in person, made a submission that he has not forcibly executed any document against the interest of his father. His family is well settled and he is not depending upon the pension income of his father. The wife of the petitioner is also raising allegations against the petitioner.

4. Be that as it may, Section 4(2) of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007, mandates that, the obligation of the children or relative, as the case may be, to maintain a senior citizen extends to the needs of such citizen so that senior citizen may lead a normal life. Section 4(3) of the said Act denotes that, the obligation of the children to



maintain his or her parent extends to the needs of such parent either father or mother or both, as the case may be, so that such parent may lead a normal life. Section 20 of the Act provides for medical care for senior citizens. Pertinently, Rule 20 of the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizen Rules, 2009 stipulates duties and powers of the District Collector. Sub-Rule 2(i) denotes that it shall be the duty of the District Collector to ensure that life and property of the senior citizens of the district and protected and they are able to live with security and dignity.

5. With reference to the provisions of the Senior Citizen Act and Rules, the District Collector is duty bound to protect the interest of the senior citizens, if their life is in threat or peril. The petitioner, in the present case, is not willing to live separately in a Home or otherwise. That being the factum, it is the duty of the son and the wife of the petitioner to look after him, since the petitioner is not in a position to maintain himself. The petitioner is suffering from chronic diabetes and the allegations raised by him are undoubtedly a concern. All the three sons of the petitioner are well settled and holding higher positions. Hence, they are duty bound to protect the interest of their parents and even in certain circumstances, if the petitioner



raises certain issues they must have the patience to listen to him and settle the same in an amicable manner rather than developing confrontation with him.

The wife of the petitioner is also not in support of the petitioner.

6. In the event of any such allegations in future and if a complaint has been made either before the jurisdictional police or the District Collector, all appropriate actions are to be initiated against the children for non-maintenance of the parents under the provisions of Maintenance and Welfare of Parents and Senior Citizen Act.

7. At this juncture, the son, who appeared before this Court, made a submission that he will take care of his father and ensure that no such incidents will occur in future.

8. In view of the said undertaking, no further directions are required and the petitioner, in the event of any such incident, is at liberty to approach the jurisdictional Police or the District Collector /Revenue Divisional Officer seeking protection or necessary relief under the provisions of the Act.



9. With these observations, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index:Yes
Speaking order
Neutral Citation:Yes/No
hvk/dpa

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