



WEB COPY



W.P. No. 29242 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 29242 of 2023

C.Subathra

... Petitioner

-VS-

1. The District Collector,
Collectorate Building,
Coimbatore – 641018.

2. The Revenue Divisional Officer and Tribunal,
For Senior Citizen Maintenance & Welfare,
Coimbatore North,
Coimbatore – 641030.

3. Sangeetha

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Second Respondent to take action in accordance with the Maintenance and Welfare of Parents Senior Citizens Act, 2007 on the basis of the Petitioner's complaint dated 06.03.2023 forwarded by the District Collector and by resorting Petitioner's possession in her family house at D. No. HIG. 3522, TNUDP Colony, Gandhimaa Nagar, Peelamedu, Coimbatore – 641004 ensure that her human right, senior citizen right and basic dignity are protected.



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For Petitioner : Ms. S.Kala
For Respondents : Mr. S.Yashwanth,
Additional Government Pleader
(for R1 & R2)

ORDER

Heard Ms. S.Kala, Learned Counsel for the Petitioner and Mr. S.Yashwanth, Learned Additional Government Pleader appearing for the First and Second Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. Having regard to the nature of order proposed to be passed in the Writ Petition, which would not cause any prejudice to the Third Respondent, notice to them is dispensed with.

3. It is the case of the Petitioner that the house belonging to her deceased husband, viz., D.Chinna Rajan at Door No. HIG.3522, TNUDP Colony, Gandhimaa Nagar, Peelamedu, Coimbatore, is now occupied by the Third Respondent viz., Sangeetha, who is her daughter and is preventing her from entering into that property and that she does not have any proper place of



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residence to stay. In that backdrop, the Petitioner had lodged a complaint before the First Respondent in that regard, but as it did not evoke any response, she has filed this Writ Petition.

4. At this juncture, it must be recapitulated here that Section 4(3) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 casts an obligation on the children of a senior citizen to maintain his or her parents which extends to their needs so that they may lead a normal life and would include the right of decent living in the dwelling house inherited from their spouse. This would obviously mean that it is incumbent upon the Second Respondent, as 'the Tribunal' within the meaning of Section 2(j) to exercise powers under Section 7 of the Act to enquire into the said complaint made by the Petitioner against the Third Respondent.

5. Learned Additional Government Pleader appearing on behalf of the First and Second Respondents, on instructions, states that enquiry in the matter has commenced and that the Third Respondent has sought time till 07.11.2023 for submitting certain documents and it is expected that final orders would be passed within 10 days thereafter and he has filed a memo dated 19.10.2023 to that effect, which is placed on record.



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6. Having regard to the aforesaid submissions made, this Court without expressing any view on the merits of the controversy passes the following order:-

- (i) the Second Respondent shall immediately examine the complaint dated 06.03.2023 made by the Petitioner against the Third Respondent;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner and the Third Respondent or any other persons as may be deemed necessary requiring the same to be furnished within a time frame of not less than 15 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and the Third Respondent and all other persons concerned to explain their position in that regard; and
- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment.
- (v) the report of such compliance shall be filed by 31.12.2023 before the Registrar (Judicial) of this Court.



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WEB COPY In fine, the Writ Petition is disposed on the aforesaid terms. No costs.

19.10.2023

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Index: Yes/No

NCS : Yes : No

Note: Issue order copy by 30.10.2023.

To

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P.D. AUDIKESAVALU, J.

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