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W.P. No. 29756 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2023

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

W.P. No. 29756 of 2023

Mary Antony

... Petitioner

-VS-

1. The Collector,
District Collectorate,
GST Road, Chengalpattu – 603001.

2. The Deputy Commissioner of Police,
No.42, Medavakkam Road,
Bharathi Nagar, Sholinganallur,
Chennai – 600119.

3. Arul Juliet Annam

4. The Sub-Inspector,
S-12, Chitlapakkam Police Station,
Jothi Nagar, Chitlapakkam, Chennai,
Tamil Nadu – 600004.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First and Second Respondents to consider my representations dated 29.06.2023 and 09.08.2023, within a time fixed and protect my interest under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

For Petitioner : Mr. R.Jaganathan



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For Respondent : Mr. U. Baranidharan,
Additional Government Pleader (for R1)

Mr. S. Rajkumar,
Additional Public Prosecutor
(for R2 & R4)

No appearance (for R3)

ORDER

Heard Mr. R. Jaganathan, Learned Counsel for the Petitioner, Mr. U. Baranidharan, Learned Additional Government Pleader, appearing for the First Respondent, and Mr. S. Rajkumar, Learned Additional Public Prosecutor, appearing for the Second and Fourth Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. It is the case of the Petitioner that she is the widow of one Thiru. Antony, whose earlier marriage with one Tmt. Michael Amma had been dissolved prior to her marriage with him. The Third Respondent is said to be the daughter born out of the wedlock between the said Thiru. Antony and Tmt. Michael Amma. The Petitioner had been residing with the said Thiru. Antony at his property situate at Plot No. 92, measuring an extent 2470 Sq. Ft. out of a total extent of 3539 Sq. Ft. comprised in S.No. 51/3, Chengalpattu District, Chennai South



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Registration District, SRO, Pallavaram, bearing Door No. 21, Elango Street, Asthinapuram, Pallavaram, Chennai – 600064, till the demise on 03.06.2023, and that property devolved upon the Petitioner and the Third Respondent. The Third Respondent under the guise of visiting her property, is disturbing the peaceful living of Petitioner in that house. In that backdrop, the Petitioner had made a representation dated 29.06.2023 to the First and Second Respondents to extend protection to her life and property under the relevant provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as 'the Act' for short) but as it did not evoke any response, it has necessitated the filing of this Writ Petition.

3. Though notice had been served on the Third Respondent, she has not entered appearance either in person or through Counsel.

4. It is accepted by Learned Counsel appearing for the First and Second Respondents that Rule 21 of the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Rules, 2009, framed under the Act provides for the action plan for the protection of life and property of senior citizens. As such, it is incumbent upon the concerned authorities under the said rule to take immediate measures for the protection of the life and property of the Petitioner



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by conducting enquiry with all persons concerned including the Petitioner and the Third Respondent after due notice to them following the prescribed procedure in consonance with the principles of natural justice. Such exercise shall be completed expeditiously and in any event, within a period of three months from the date of receipt of copy of this order and report of its outcome shall be filed before the Registrar (Judicial) of this Court.

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

09.11.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 31.01.2024.

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To

1. The Collector,
District Collectorate,
GST Road,
Chengalpattu – 603 001.
2. The Deputy Commissioner of Police,
No.42, Medavakkam Road,
Bharathi Nagar, Sholinganallur,
Chennai – 600 119.
3. The Sub-Inspector,
S-12, Chitlapakkam Police Station,
Jothi Nagar, Chitlapakkam, Chennai,
Tamil Nadu – 600 004.



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Copy to

1. The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.
2. Mary Antony
W/o. Late Antony
Residing at No.21, Elango Street,
Asthinapuram, Chennai 600 064.
3. Arul Juliet Annam
W/o. Ezhil Maran
No.3, Vallalar Street, T.V.K. Nagar,
Asthinapuram, Chennai 600 064.



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P.D. AUDIKESAVALU, J.

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