



W.P.(MD)No.18261 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

W.P.(MD)No.18261 of 2023

Narayanasamy

... Petitioner

Vs

1.The District Collector,
O/o. Virudhunagar Collectorate,
Virudhunagar, Virudhunagar District.

2.The Revenue Divisional Officer
and Executive Magistrate,
Sathur, Virudhunagar District.

3.The Superintendent of Police,
Virudhunagar,
Virudhunagar District.

4.The Deputy Superintendent of Police,
Rajapalayam Sub-Division,
Virudhunagar,
Virudhunagar District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing respondent Nos.3 and 4 to hand over the possession of the property in D.No.14/6, Sevalpatty, Naidu Street, Rajapalayam Town, based on the order passed by the second respondent in its proceedings in Pa.Mu.A.1/1526/2018 dated 02.11.2019 by considering the petitioner's representation dated 27.02.2023.



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For Petitioner : Mr.R.Ilayaraja

For R-1 to R-4 : Mr.B.Thanga Aravindh
Government Advocate (Criminal side)

ORDER

This Writ Petition is filed seeking for a direction to the respondent Police to provide protection and implement the orders of respondent No.2 / Revenue Divisional Officer while handing over the house bearing No.14/6, situated at Sevalpatty Naidu Street, Rajapalayam Town, to the petitioner from his son, by name, Subburaj.

2. It is submitted by learned counsel for the petitioner that the petitioner is the owner of the house bearing No.14/6, situated at Sevalpatty Naidu Street, Rajapalayam Town and his son, by name, Subburaj, has thrown him out of the said house. The petitioner has approached the Revenue Divisional Officer and filed application under the Welfare of Parents and Senior Citizens Act, 2007, on which, the Revenue Divisional Officer has passed orders, directing the said Subburaj to hand over the possession of the house to the petitioner. When the order of Revenue Divisional Officer are not implemented, the petitioner has filed a complaint to the Police, but, no action has been taken, therefore, sought for suitable directions.



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3. Learned Government Advocate (Criminal Side) submits that, aggrieved by the orders passed by the Revenue Divisional Officer under the Welfare of Parents and Senior Citizens Act, 2007, the said Subburaj preferred an appeal, wherein, the petitioner stated to have appeared and reported that they will divide the properties within a period of six months. Learned counsel for the petitioner challenging the same submits that the orders of the Revenue Divisional Officer have not been set aside.

4. Considering the circumstances, the respondent Police are directed to verify whether the orders of the Revenue Divisional Officer under the Welfare of Parents and Senior Citizens Act, 2007, have been set aside or still in force. In case, if the orders are still in force, the respondent Police are directed to give protection for handing over the house property to the petitioner as directed by the Revenue Divisional Officer within a period of six weeks from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition stands disposed of.

No costs.

28.07.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
tsg



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DR.D.NAGARJUN, J.

tsg

To

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- 3.The Superintendent of Police,
Virudhunagar,
Virudhunagar District.
- 4.The Deputy Superintendent of Police,
Rajapalayam Sub-Division,
Virudhunagar,
Virudhunagar District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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