



W.P(MD)No.20368 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2023

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) No.20368 of 2023 and
WMP(MD) Nos.16795 & 16796 of 2023

V.K.palanirajan @ Radha

Petitioner

Vs.

1.The Presiding Officer/Revenue Divisional Officer,
Sub-Divisional Officer,
Tribunal,
(The Maintenance and Welfare of Parents and
Senior Citizens Act),
Sankarankovil Revenue Division,
Sankarankovil,
Tenkasi District.

2.The Superintendent of Police,
Tenkasi District,
Tenkasi.

3.The Inspector of Police,
Vasudevanallur Police Station,
Vasudevanallur,
Tenkasi District.

4.Kanthimathinathan

Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent to provide maintenance and other eligible amenities to this petitioner from the fourth respondent and thereby declare as void under Section 23 of the said Act, the registered documents executed by this petitioner in favour of this fourth respondent settlement deed document No.1229, dated 09.09.2021, Sale Deed Document No.67, dated 16.12.2022 and Gift Deed Document No.69, dated 16.12.2022, all registered at Vasudevanallur Sub Registrar Office in Tenkasi District.

For Petitioner	:Mr.F.X.Eugene
For R1	:Mrs.D.Farjana Ghoushia Special Government Pleader
For R2 & R3	:Mr.P.Kottaichamy Government Advocate

ORDER

The petitioner, an octogenarian has filed an application under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 before the first respondent for maintenance and other amenities from the fourth respondent and filed this writ petition for a Mandamus, directing the first respondent to provide the maintenance and other eligible amenities to this petitioner.



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2.The learned counsel appearing for the petitioner submits that the petitioner is aged about 82 years and a widower. The fourth respondent is his only son and the petitioner has settled his property in favour of the fourth respondent. However, the fourth respondent, being a drugger is causing numerous problems to the petitioner and assaulting him often. On 18.05.2023, the fourth respondent has assaulted the petitioner and kicked him, for which, the petitioner has lodged a complaint before the third respondent. Even thereafter, the fourth respondent is preventing this petitioner from moving outside and troubling him. Hence, the learned counsel requests for a direction to the first respondent to pass an order for declaring the documents executed by the petitioner in favour of the fourth respondent as void and further direct the first respondent to issue direction to the fourth respondent to provide maintenance and other amenities to the petitioner.



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3.Mrs.D.Farjana Ghoushia, learned Special Government Pleader, who takes notice for the first respondent submits that the petitioner has submitted an application before the first respondent only on 29.05.2023 and enquiry is under process.

4.Mr.P.Kottaichamy, learned Government Advocate, who takes notice for the respondents 2 & 3 submits that based on the complaint lodged by the petitioner on 17.06.2023, a criminal case has been registered as against the fourth respondent in Crime No.157 of 2023 for the offences punishable under Sections 294b and 506(i) IPC.

5.This Court considered the rival submissions made and also perused the materials placed on record.

6.The petitioner is an octogenarian and he has filed an application under the Maintenance and Welfare of Parents and



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Senior Citizens Act, 2007. Section 5(4) of the Act prescribes a time limit of 90 days for disposal of the applications filed under the Act, from the date of service of notice of the application to such person. Rule 21 of the Tamil Nadu Welfare of Senior Citizen and Maintenance Rules, 2009 also provides certain action plans including for protection of life and property of the senior citizens. Each police station is mandated to maintain a list of senior citizens living within its jurisdiction, especially, those who are living by themselves. A representative of the police station together with a Social Welfare Worker or volunteers shall visit the place of senior citizens at a regular interval or atleast once in a month and the complaints/problems, if any, shall be immediately attended to by the local police.

7. Since the petitioner has also raised a ground that he was assaulted by the fourth respondent and a criminal case has also been registered as against the fourth respondent, this writ petition is disposed of with a direction to the third respondent to visit the place



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of this petitioner and ensure that this petitioner is living in a secured manner. No costs. Consequently, connected Miscellaneous Petitions are closed.

24.08.2023

NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.
vrn

To

- 1.The Presiding Officer/Revenue Divisional Officer,
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Tribunal,
(The Maintenance and Welfare of Parents and
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Tenkasi District.
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B.PUGALENDHI, J

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Order made in
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