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W.P.No. 9766 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.9766 of 2024

P. Nambi

.. Petitioner

Versus

1. The District Collector,
O/o The District Collector,
No.66, Rajaji Salai,
Chennai- 600 01.

2. The Sub Divisional Magistrate,
O/o Revenue Divisional Office, South Chennai Division,
Guindy, Chennai 600 032.

3. Mr.Andan Babu

4. Mr.Andan Anandhan

5.Mr. Andan Anbudas ...Respondents

Prayer: This petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the second respondent to dispose the petitioner's complaint dated 13.12.2023 pending on his file and pass orders.

For Petitioner

: Mr.J. Surya Prakash



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For Respondents1 and 2 : Mr.Shahjahan
Special Government Pleader

ORDER

This petition is filed to seeking a direction directing the second respondent to dispose the petitioner's complaint dated 13.12.2023 pending on his file and pass orders.

2. By consent of both the parties, this writ petition is taken up for disposal at the admission stage itself.

3.The facts of the case is that the petitioner has four sons. The third to fifth respondents and one person by name Mr.Andan Mani are the sons of the petitioner herein. The subject property is situated at Old No.3/51, New No.9, Sendhooram Colony, Madipakkam, Chennai which consists of three floors. The petitioner and the third to fifth respondents are residing in the subject property. Due to Covid Pandemic the petitioner and his wife went to their native at Kalakkadu, Thirunelveli District. It was to the shock and surprise to the petitioner that when he returned back to the subject property, the third to fifth respondents with an ill intention to grab the subject property have put a gate in front of the subject property and prevented the petitioner from entering into the house. Hence, the petitioner had lodged a complaint before the concerned jurisdictional



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police station, but no appropriate action was taken by them. Hence, the petitioner gave a complaint before the Deputy Commissioner, ST.Thomas Mount on 20.11.2023 who inturn forwarded the same to the Inspector of Police, inspite there was no progress. Hence, the petitioner approached the second respondent herein under Rule 3(Form – A) of the Tamil Nadu Maintenance and welfare of Parents and Senior Citizens Rules, 2009 to hand over the possession and to receive the rental income arrived from the subject property. Thereafter, on 11.01.2024 the petitioner had received a notice from the second respondent calling upon him to attend the enquiry in the petitioner's application bearing No.A3/5283/2023, as such upon receipt of the said notice, the petitioner has also appeared before the second respondent on 12.02.2024, but the second respondent instead of conducting the enquiry had postponed the same. The grievance of the petitioner is that the second respondent had kept the complaint pending without any reason. Hence, this petition.

4. The learned counsel for the petitioner submitted that the petitioner has already settled his another property measuring 1.44 cents



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situated at Kayirambedu equally for his four sons. While so, due to the illegal act of the third to fifth respondents in grabbing the petitioner's property, the petitioner's right to live in dignity and peace is greatly affected. Further more the petitioner being a senior citizen was driven from pillar to post to establish his right over the property. Hence, prays to allow this petition.

5. The learned Government Advocate appearing for the official respondents submitted that they will prioritize the case of the petitioner as the petitioner is a senior citizen and take action in the manner known to law as early as possible

6. On a perusal of records it is seen that the 3rd to 5th respondents who are the sons of the petitioner prevented the petitioner from residing into the subject property. The petitioner who is a senior citizen in order to establish his right over the property has also approached the Government Officials in a proper hierarchy. When this being the case the second respondent has kept the petitioner's case without any progress.



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7. For the foregoing reasons, this Court without expressing any opinion on the merits of the case directs the second respondent to consider the petitioner's complaint dated 13.12.2023 and conduct an enquiry within a period of one month from the date of receipt of a copy of this order. The second respondent is further directed to dispose of the case within a period of six months from the date of conducting the enquiry.

8. With the aforesaid direction, this writ petition is disposed of. No order as to costs.

10.04.2024

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
smn

To

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O/o The District Collector,
No.66, Rajaji Salai,
Chennai- 600 01.



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2. The Sub Divisional Magistrate,
O/o Revenue Divisional Office, South Chennai Division,
Guindy, Chennai 600 032.
3. The Section Officer, V.R.Section,
High Court, Madras.



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V.BHAVANI SUBBAROYAN, J.

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