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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12-04-2024

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

WP No.16856 of 2023

And

WMP No.16106 of 2023

Thenmozhi

.. Petitioner

-VS-

1.The Presiding Officer,
Maintenance Tribunal/
Revenue Divisional Officer,
Cuddalore District,
Cuddalore.

2.Sundari

3.The District Collector,
Cuddalore.

[R-3 suo motu impleaded vide
order of Court dated 12.04.2024
made in WP 16856 of 2023]

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India,
praying for the issuance of a Writ of Certiorari, calling for the records of the
first respondent in his proceedings in Mu.Mu.A1/2989/2021 dated



01.07.2022 and quash the same.

For Petitioner : Mr.M.Gnanamoorthy
For Respondents-1 and 3 : Mr.N.Naveenkumar,
Government Advocate.
For Respondent-2 : Mr.P.K.Harinath Babu

ORDER

The order dated 01.07.2022 passed by the Revenue Divisional Officer under Senior Citizen Act, is sought to be quashed in the present writ petition.

2. The Revenue Divisional Officer, Cuddalore conducted an enquiry and issued direction permitting the second respondent, who is the mother-in-law of the petitioner, to reside in the upstairs of the subject house. It is stated that the petitioner, along with her family, is residing in the ground floor of the subject property.

3. The learned counsel for the petitioner would submit that the



second respondent is permitting the petitioner to enter into the house and she has locked the premises.

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4. Per contra, the learned counsel for the second respondent, would submit that the report of the Inspector of Police, Puduchathiram Police Station, Cuddalore sent to the Revenue Divisional Officer, Cuddalore, stating that the petitioner is not residing in the said premises and she has locked the premises.

5. In view of such contradictory statements, this Court cannot grant the relief, as such, sought for in the present writ petition.

6. As per the order impugned, the second respondent is permitted to reside in the upstairs and the petitioner is permitted to reside in the ground floor. Therefore, the parties are expected to respect the order passed by the Revenue Divisional Officer and implement the same in its letter and spirit. In the event of non-implementation of the order impugned passed by the second respondent in the Senior Citizen Act, the District Collector is directed to initiate all appropriate actions to implement the



order passed by the second respondent under the Senior Citizen Act and to protect the senior citizen. Thus, the District Collector, Cuddalore District has been suo motu impleaded as respondent and Mr.N.Naveenkumar, learned Government Advocate takes notice for the impleaded respondent.

7. The District Collector, Cuddalore is directed to ensure that the order dated 01.07.2022 passed by the Competent Authority under the Senior Citizen Act, is implemented in its letter and spirit and in the event of any violation, all appropriate actions are directed to be initiated with the assistance of the police, if necessary.

8. With the above directions, the present writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

12-04-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order



Neutral Citation : Yes/No
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To

The Presiding Officer,
Maintenance Tribunal/
Revenue Divisional Officer,
Cuddalore District,
Cuddalore.

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S.M.SUBRAMANIAM, J.

Svn

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