



W.P.No.26867 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. No.26867 of 2023
and
W.M.P.No.26280 & 26281 of 2023

S.Kalaiarasan

... Petitioner

Vs.

1.The District Collector,
Rajaji Salai 4th floor,
#62, Beach Road,
George Town,
Chennai – 600 001.

2.The Inspector of Police,
R-8, Vadapalani Police Station,
283, Arcot Road,
Ottagapalayam,
Somasundara Bharathi Nagar,
Vadapalani,
Chennai – 600 026.

3.Mr.Santhanakrishnan

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, for issuance of writ of Certiorari, calling for the records of the 1st respondent in proceeding No.Ch.Mu.Na.Ka.No.1535/A1/2023 and quash the order passed therein by the 1st respondent dated 16.06.2023.



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For Petitioner	: Mr.V.PSengottuvel Senior Counsel for Mr.K.R.Nishanth
For R1	: Mr.K.Surendran Additional Government Pleader
For R2	: Mr.S.Vinoth Kumar Government Advocate (Crl.Side)
For R3	: Mr.P.G.Santhoshkumar

ORDER

The order of the District Collector dated 16.06.2023, passed under the provision of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is under challenge in the present writ proceedings.

2. The writ petitioner is the son of the 3rd respondent. The 3rd respondent has got two daughters. The wife of the 3rd respondent died. The subject property jointly stood in the name of the 3rd respondent and his wife. The 3rd respondent, who appeared before this Court in person made a submission that the property was purchased by him from out of his own income. The wife of the 3rd respondent was a homemaker and she had no income on her own and the property was purchased from and out of the income of the 3rd respondent. After the death of the wife of the 3rd respondent, the 3rd respondent approached the competent Authority under the Senior Citizen Act, since the father-son relationship had been strained. The original



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Authority under the Act rejected the claim of the 3rd respondent. Thus, the 3rd respondent preferred an appeal before the District Collector under the Act.

The District Collector conducted an enquiry by affording opportunity to the parties and granted relief to the petitioner to occupy the subject house and reside there. Further direction was issued to the Police Authorities of R8 Police Station/2nd respondent to give protection to the 3rd respondent to occupy the house and reside in the said house peacefully.

3. Mr.S.Vinoth Kumar, learned Government Advocate (Crl.side) appearing on behalf of the 2nd respondent made a submission that pursuant to the orders of the District Collector, possession has been taken by the 3rd respondent and adequate protection has been granted and as of now, the 3rd respondent is in possession of the subject property.

4. Mr.V.P.Sengottuvel, learned Senior Counsel for Mr.K.R.Nishanth appearing on behalf of the writ petitioner would mainly contend that the 3rd respondent is a State pensioner and receiving good amount of pension. He is having other properties and therefore, the Senior Citizen Act will not be applicable. When Senior citizen is capable of



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children or the relative, as the case may be, to maintain a Senior Citizen extends to the needs of such Citizen, so that Senior Citizen may lead a normal life. “Normal Life” must be interpreted constructively in the context of the definition for maintenance as stipulated under Section 2 (b) of the Act.

8. The adoption of the phrase “normal life” Rule 20 (2) (i) of the Maintenance of Senior Citizen Rules, enumerates that **“it shall be the duty of the District Collector to ensure that life and property of senior citizens of the District are protected and they are able to live with security and dignity.”** Therefore, **'normal life' includes security and dignity.** Thus the 'normal life' as indicated under Section 4(2) of the Act, is not mere life, but a life with security and dignity. In the context of Article 21 of the Constitution of India, life includes decent medical facility, residence, food, shelter with dignity and security. All such combined necessities of human life is falling under the term “Normal Life” emboldened under Section 4(2) of the Senior Citizen Act. Therefore, simply providing food and shelter would be insufficient. But life includes providing decent medical facilities, food & residence, shelter and other requirement with dignity in commensuration with the status of the family and taking into consideration of the living style of the



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senior citizen past and present.

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9. In the present case, the 3rd respondent was holding the post of Chief Engineer (Group-I) post in Tamil Nadu Electricity Board. Therefore, the lifestyle, he maintained previously is to be protected by the competent Authority under the Senior Citizen Act.

10. Therefore, the children defending their case merely on the ground that they are willing to provide food and shelter, cannot be taken as a ground for the purpose of sustaining their claim to retain the property. In the present case, the property belongs to the 3rd respondent and his deceased wife. The requirements of the provision complied in its real spirit and the Competent Authorities are bound to protect the interest and the life of the Senior Citizen.

11. Section 4(3) denotes, the obligation of the children to maintain his or her parent extends to the needs of such parent either father or mother or both, as the case may be, so that such parents may lead a normal life.



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Therefore, it is an obligation on the part of the children to maintain his or her parents and ensure the parents to lead a normal life. In the event of complaint, the Authorities Competent are expected to ensure that the senior citizen and their life and dignity are protected. The above provision is to be read in conjunction with the Rules framed under the Act.

12. Rule 20 of the Maintenance of Senior Citizen Rules, provide duties and powers of the District Collector. The District Collector is casted upon the duty to ensure that the life and property of citizens of the District are protected and other people to live with security and dignity. Therefore, it is the statutory duty on the part of the District Collector to protect the safety and security of senior citizens in his District. Thus the complaint filed by the senior citizen, cannot be treated lightly. Such complaints are to be enquired into in a pragmatic manner, so as to understand the real grievances of the senior citizen and accordingly, all appropriate actions are to be initiated to provide safety, security and to protect the dignity of the senior citizen.

13. The 3rd respondent in the present case has no intention to deprive their children to possess the property belongs to him. However, he wants to retain the subject house for his residence, wherein his deceased wife lived.



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That being the sentiment, the District Collector has rightly appreciated the claim of the 3rd respondent and allowed the claim by issuing a direction to possess the subject property and further directed the Police Authorities to protect the life of the 3rd respondent.

14. This Court do not find any infirmity in respect of the order passed by the District Collector. The Authorities are directed to protect the life and property of the 3rd respondent as directed by the District Collector.

15. With the above observations, this Writ Petition stands **dismissed**.
No costs. Consequently, connected miscellaneous petitions are closed.

15.04.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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S.M.SUBRAMANIAM,J.

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