



W.P. No. 35393 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 35393 of 2023

K.Senthamizh Selvan

... Petitioner

-VS-

1. The District Collector
Namakkal District
Namakkal – 637 001.
2. The Sub Collector
Namakkal District
Namakkal – 637 001.
3. The District Social Welfare Officer
Namakkal District
Namakkal – 637 003.
4. The Sub-Registrar
Tiruchengode
Namakkal District – 637 211.
5. The Superintendent of Police
Namakkal District – 637 001.
6. The Inspector of Police
Tiruchengode
Namakkal District – 637 211.
7. S.Raja
8. Nithya
9. Jayaraj
Respondents

...



W.P. No. 35393 of 2023

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First Respondent to take appropriate action to cause recovery of original documents of property from the Sixth to Eighth Respondents that were forcibly taken by them through extortion, coercion and threat to life as well as ensure safety and security of the Petitioner couple by invoking Sub-section of Section 22 of protection of life and property of Senior Citizens under the Maintenance and Welfare Parents and Senior Citizens Act, 2007 based on the Petitioner couple representation dated 17.08.2022.

For Petitioner : Mr. A.S.Palanisamy

For Respondents : Mr. S.Balamurugan,
Government Advocate (for R1 to R4)

Mr. J.Subbiah,
Government Advocate (Criminal Side)
(for R5 & R6)

ORDER

Heard Mr. A.S.Palanisamy, Learned Counsel for the Petitioner, Mr. S.Balamurugan, Learned Government Advocate who takes notice for the First to Fourth Respondents and Mr. J.Subbiah, Learned Government Advocate who takes notice for the Fifth and Sixth Respondents and perused the materials placed on record, apart from the pleadings of the parties.



W.P. No. 35393 of 2023

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2. Having regard to the nature of order proposed to be passed in the Writ Petition, which would not cause any prejudice to the Seventh to Ninth Respondents, notice to them is dispensed with.

3. It is the case of the Petitioner that he along with his wife is residing in his property at 60, Palkarakuppanan Kaadu, Seetharampalayam Post, Tiruchengode Taluk, Namakkal District and that the Third Respondent, who is his son had forcibly taken away the title-deeds of that property from him and he had then made a representation dated 17.08.2022 to the First Respondent for retrieving the said title-deeds invoking Rule 20(2)(i) of the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Rules, 2009, which reads as follows:-

“20. Duties and powers of the District Collector.-

....

(2) It shall be the duty of the District Collector to,-

(i) ensure that life and property of senior citizens of the district are protected and they are able to live with security and dignity;

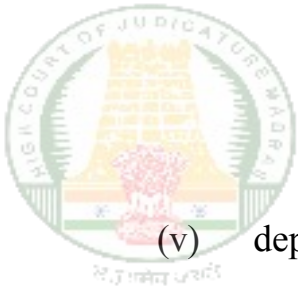


W.P. No. 35393 of 2023

As it did not evoke any response, it has necessitated the filing of this Writ Petition.

3. Having regard to the limited nature of relief sought, this Court without expressing any view on the merits of the controversy involved, passes the following order:-

- (i) the concerned authority shall immediately examine the representation dated 17.08.2022 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 10 working days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to all persons concerned (including the Petitioner and the Third Respondent) to explain their position in that regard;
- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment;



W.P. No. 35393 of 2023

(v) depending upon its outcome, further action shall be taken by the

concerned authority; and

(vi) the report of such compliance shall be filed by 30.06.2024 before the Registrar (Judicial) of the Court.

In the result, the Writ Petition is disposed on the aforesaid terms. No costs.

03.01.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 26.03.2024.

Maya

To

1. The District Collector
Namakkal District
Namakkal – 637 001.
2. The Sub Collector
Namakkal District
Namakkal – 637 001.
3. The District Social Welfare Officer
Namakkal District
Namakkal – 637 003.
4. The Sub-Registrar



W.P. No. 35393 of 2023

Tiruchengode
Namakkal District – 637 211.

5. The Superintendent of Police
Namakkal District – 637 001.

6. The Inspector of Police
Tiruchengode
Namakkal District – 637 211.

Copy to

1. The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.
2. K.Senthamizh Selvan,
S/o. Late Kanthasamy,
60, Palkarakuppannan Kaadu,
Seetharampalayam Post,
Tiruchengode Taluk,
Namakkal District – 637 209.
3. S.Raja,
S/o. Senthamizh Selvan,
Ammapalayam Road,
Palmadai,
Morru Post,
Tiruchengode Taluk,
Namakkal District – 637 209.



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W.P. No. 35393 of 2023

P.D. AUDIKESAVALU, J.

Maya

W.P. No. 35393 of 2023

03.01.2024