



WP.(MD).No.3558 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 16.02.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.3558 of 2024

A.Manickam

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Dindigul District.

2.M.Vijayakumar

3.Vijayalakshmi

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to provide protection to the petitioner and his wife against the domestic violence causing by the 2nd and 3rd respondent to the petitioner and his wife's personal life, liberty and property based on his representation dated 08.01.2024.

For Petitioner	: Mr.V.Vilma Remy
For 1 st Respondent	: Ms.K.Christy Theboraal Additional Government Pleader

ORDER

By consent of both parties, this Writ Petition is taken up for



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final disposal at the stage of admission itself. Considering the nature of the case, notice to the respondents 2 and 3 is dispensed with.

2.This Writ Petition has been filed for issuance of a Writ of Mandamus, seeking to direct the 1st respondent to provide protection to the petitioner and his wife against the domestic violence caused by the respondents 2 and 3 to the petitioner and his wife's personal life, liberty and property based on his representation dated 08.01.2024.

3.The brief facts which are necessary for the disposal of this Writ Petition is as follows :-

(i)The petitioner and his wife are married for 38 years and the second respondent is the son and the third respondent is the daughter in law respectively. The petitioner has purchased a house site in his name vide registered document in Nos.399/2001, 765/2003 & 826/2004 and had built a house with two shops in front of the house in the said property. He conducted a tea shop in the said shops and from the income of which, he was leading his life. Having settled his daughter's life by duly marrying her in the



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appropriate age, the petitioner arranged the marriage of the second respondent with the third respondent. Following which, he handed over the tea shop to his son, second respondent. After that, the attitude of the respondents 2 and 3 completely changed and they started inflicting acute domestic violence on the petitioner and his wife to the extent that they chased both of them out of their house and they are constrained to put up a thatched shed in garden land and they are staying there. The petitioner and his wife being senior citizens are affected by various medical implications. The respondents 2 and 3 without maintaining the petitioner and his wife are continuously inflicting domestic violence against them.

(ii) In the interregnum, the third respondent lodged a complaint as against the petitioner and his wife before All Women Police Station, Vadamadurai Police Station, Dindigul and also before the Social Welfare Officer, Dindigul. In the meanwhile, the petitioner had undergone open heart surgery and had undergone another surgery for kidney stone and the respondents 2 and 3 failed to take care of the petitioner and his wife even during the difficult situation and they are continuously abusing the petitioner and his wife physically and economically. Hence, the petitioner



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made a detailed representation to the first respondent on 08.01.2024 on the Public Grievance Day seeking to restore the possession of the house belonging to the petitioner from the clutches of the respondents 2 and 3. However, the same was not considered. Hence, this Writ Petition came to be filed.

4.Heard Mr.V.Vilma Remy, learned counsel appearing for the petitioner, Ms.K.Christy Theboraal, learned Additional Government Pleader appearing for the 1st respondent and carefully perused the entire materials available on record.

5.Considering the fact that the application has been made by the petitioner on 08.01.2024 on the Public Grievance Day, the first respondent ought to have acted immediately on the plight of the senior citizens. However, the said exercise has not been done.

6.In view of the same, the first respondent is directed to immediately act upon the petitioner's representation dated 08.01.2024 and after giving appropriate notice to the respondents 2 and 3 and conduct an enquiry within a period of four weeks from the date of receipt of copy of this order. On enquiry, if it is found



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that the petitioner is the rightful owner in possession and title of the house, which is under the custody of the respondents 2 and 3, the first respondent is directed to take appropriate steps to recover the possession from the respondents 2 and 3 and hand over the same to the petitioner within a period of four weeks thereafter.

7.In view of the above, this Writ Petition stands disposed of.
There shall be no order as to costs.

16.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn

To

1.The District Collector,
Collectorate,
Dindigul District.



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L.VICTORIA GOWRI, J.

Mrn

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