



W.P.(MD).No.26358 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.26358 of 2024
and WMP(MD) No.22335 of 2024

1.P.Arumugam

2. Kanchana

... Petitioners

Vs

1. The Revenue Divisional Officer Cum the Authority Under the
Maintenance and Welfare of Parents and Senior Citizens Act,
Tenkasi, Tenkasi District.

2. The Revenue Divisional Officer Cum, the Authority Under the
Maintenance and Welfare of Parents and Senior Citizens Act,
Cheranmahadevi,
Tirunelveli District.

3. A.Rajkumar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to initiate proceedings against the 3rd respondent under Section 23(2) of the Maintenance of Welfare of Parents and Senior Citizens Act, 2007 based on the petitioner's representation, dated 28.06.2024 and conduct enquiry.



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For Petitioners : Mr. P.P.Alwin Balan

For Respondents : Mr.D.S.Nedunchezian (R1,R2)
Government Advocate

ORDER

The present writ petition has been filed seeking a direction to the 1st respondent to initiate proceedings against the 3rd respondent under Section 23(2) of the Maintenance of Welfare of Parents and Senior Citizens Act, 2007 based on the petitioner's representation, dated 28.06.2024 and conduct enquiry.

2.By consent of both parties, considering the limited relief sought for by the petitioners, the Writ Petition is taken up for final disposal at the stage of admission itself and notice to the third respondent is dispensed with.

3.Heard, the learned counsel appearing for the petitioners and the learned Government Advocate appearing for the respondents. Perused the materials on record.

4(i).It is submitted by the learned counsel for the petitioners that the petitioners are the parents of the 3rd respondent. The petitioners have already settled their two daughters by getting them married. The first petitioner



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out of his retirement benefits bought a property to an extent of 2400 sq.ft & 936 sq.ft comprised in S.No.124/6 situated at Mathananthapuram Village, Sriperumbudur Taluk, Chennai in the name of 2nd petitioner and the 3rd respondent jointly and had also renovated the house therein. At the time of purchase, the third respondent was aged about 23 years and had no income on his own.

(ii).During the year 2021, the second petitioner out of love and affection had executed release deed in favour of the third respondent in terms of her share in respect of the said house property. However, to the shock and surprise of the petitioners, the third respondent had sold the said house property to one Varalakshmi on 22.01.2024 and the petitioners were chased away by the 3rd respondent and his family from the aforesaid house and compelled to live in a rented house in Agasthiyarpatti, Ambasamuthiram Taluk,

(iii).The first petitioner is drawing pension around Rs.30,000/-. Since the first petitioner is aged about 81 years and the 2nd petitioner is aged about 76 years and both of them are bed ridden, the pension amount received by the first petitioner is insufficient for maintaining themselves. Hence, the



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petitioners have sent a representation to the respondents to direct the 3rd respondent to maintain the petitioners in terms of Maintenance of Welfare of Parents and Senior Citizens Act, 2007 and the same was not considered.

5.It is brought to my notice that the third respondent is an Engineer, who is doing construction business and his wife is working as a Revenue Divisional Officer.

6. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct the respondents to consider the same within a stipulated time.

7.Considering the limited scope of the relief sought for by the petitioners, this Court hereby direct the first respondent to consider the



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representation of the petitioner and pass appropriate orders in accordance with law, within a period of eight (8) weeks, from the date of receipt of a copy of this order. It is further made clear that any orders in terms of the petitioners' representation should be passed by the first respondent only after putting the 3rd respondent on notice and giving him an opportunity of hearing.

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

04.11.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

1. The Revenue Divisional Officer Cum the Authority Under the Maintenance and Welfare of Parents and Senior Citizens Act, Tenkasi, Tenkasi District.

2. The Revenue Divisional Officer Cum, the Authority Under the Maintenance and Welfare of Parents and Senior Citizens Act, Cheranmahadevi, Tirunelveli District.



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L.VICTORIA GOWRI, J.

PNM

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