



W.P.(MD)No.4125 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.4125 of 2025

and

W.M.P.(MD)No.2976 of 2025

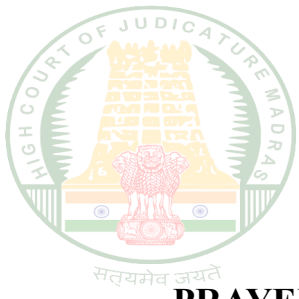
Dhanalakshmi

... Petitioner

-VS-

- 1.The District Collector,
Ramanathapuram District.
- 2.The Superintendent of Police,
Ramanathapuram District.
- 3.The Revenue Divisional Officer,
Paramakudi, Ramanathapuram District.
- 4.The Inspector of Police,
Sayalgudi Police Station,
Ramanathapuram District.
- 5.S.Saravanan
- 6.S.Jeyasaraswathi
- 7.R.Marimuthu
- 8.M.Sumathi

... Respondents



W.P.(MD)No.4125 of 2025

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents 1 to 4 herein to take appropriate action against the respondents 5 to 8 under Section 24 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and consequently, direct respondents 1 to 4 herein to provide protection to the property Village, Kadaadi Taluk, Ramanathapuram District, under Section 22(2) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, on the basis of the representations, dated 25.01.2025 and 07.02.2025, within the time stipulated by this Court.

For Petitioner	: Mr.G.Vishnuram
For R1 and R3	: Mr.K.S.Selvaganesan Additional Government Pleader
For R2 and R4	: Mr.K.Gnanasekaran Government Advocate (Criminal side)

ORDER

This Writ Petition has been filed seeking a direction to the respondents 1 to 4 herein to take appropriate action against the respondents 5 to 8 under Section 24 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and consequently, direct the respondents 1 to 4 herein to provide protection to the property under Section 22(2) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, on the basis of the representations, dated 25.01.2025 and 07.02.2025, within the time to be stipulated by this Court.



W.P.(MD)No.4125 of 2025

WEB COPY

2. With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

3. Since no adverse orders are going to be passed against the respondents 5 to 8, notice to the respondents 5 to 8 is hereby dispensed with.

4. The petitioner claims that her husband purchased the property in question and operated a small trading company on the premises under the name and style of "New Sumathi Traders". He died on 25.04.2014 leaving the petitioner and five others as his legal heirs. The respondents 5, 8, 6, and 7 are the son, daughter, daughter-in-law and son-in-law of the petitioner, respectively. On 25.01.2025, the respondents 5 to 8 forcibly entered the shop, dispossessed the petitioner and closed the shop. The petitioner immediately lodged a complaint with the fourth respondent Police. However, after receiving the complaint, the fourth respondent neither conducted an enquiry nor directed the respondents 5 to 8 to return possession of the shop to the petitioner. Taking advantage of the fourth respondent's inaction, the respondents 5 to 8 have also started taking steps to demolish the shop. Hence, the present Writ Petition.



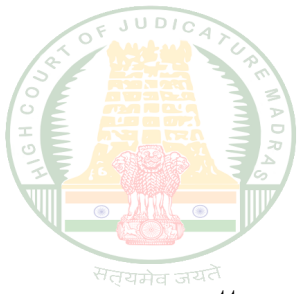
W.P.(MD)No.4125 of 2025

WEB COPY

5. Heard the learned counsel appearing for the parties.

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 him 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 the Constitution of India and direct them to consider the same within a stipulated time.

7. In the light of the above observations, there shall be a direction to the respondents 1 to 3 herein to consider the petitioner's representation dated 07.02.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, the respondents 5 to 8, as well as all other persons, who may be interested in the subject matter, within a period of four months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the



W.P.(MD)No.4125 of 2025

matter and that it is open to the respondents 1 to 3 to consider the same on its own merits.

8. With the above observations and directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
smn2

17.02.2025

To

- 1.The District Collector,
Ramanathapuram District.
- 2.The Superintendent of Police,
Ramanathapuram District.
- 3.The Revenue Divisional Officer,
Paramakudi, Ramanathapuram District.
- 4.The Inspector of Police,
Sayalgudi Police Station,
Ramanathapuram District.



WEB COPY



W.P.(MD)No.4125 of 2025

VIVEK KUMAR SINGH, J.

smn2

W.P.(MD)No.4125 of 2025

17.02.2025