



W.P.(MD)No.11077 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.11077 of 2025

Selvam

: Petitioner

Vs.

1. The Revenue Divisional Officer,
Usilampatti, Madurai District.

2. The Deputy Superintendent of Police,
Usilampatti Circle,
Usilampatti,
Madurai District.

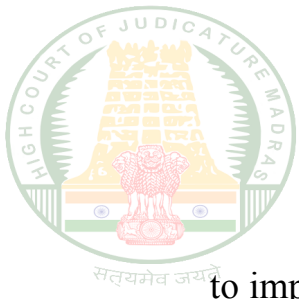
3. The Inspector of Police,
T.Ramanathapuram Police Station,
T.Ramanathapuram,
Peraiyur Taluk,
Madurai District.

4. The Village Administrative Officer,
Melathirumanickam Village,
Melathirumanickam PO,
Peraiyur Taluk,
Madurai District.

5. M.Jeyaraj

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 2 to 4



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to implement the 1st respondents order dated 20.10.2023 with the help of the 4th respondent to evict the 5th respondent from the house belongs to the petitioner and recover the maintenance amount from 5th respondent as per the petitioners representation dated 01.04.2025.

For Petitioner : Mr.B.Kumaresan

For Respondents : Mr.C.Venkatesh Kumar

Special Government Pleader R1 & R4

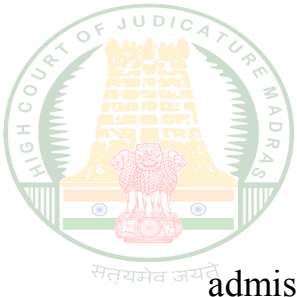
Mr.Gnanasekaran

Government Advocate (Crl.) for R2 & R3

ORDER

This Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the respondents 2 to 4 to implement the order of the first respondent dated 20.10.2023, with the assistance of the fourth respondent, to evict the fifth respondent from the house belonging to the petitioner and to recover the maintenance amount from the fifth respondent, in accordance with the petitioner's representation dated 01.04.2025 .

2. Heard the learned counsel for the parties. By consent of both parties, the Writ Petition is taken up for final disposal at the



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admission stage itself. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the fifth respondent is dispensed with.

3. The petitioner asserts that, pursuant to the filing of an application under Section 6 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Senior Citizens Act) on 11.05.2023, the first respondent passed an order dated 20.10.2023 directing the fifth respondent (elder son) and his younger brother to pay Rs.2,000/- each as monthly maintenance. However, the fifth respondent has not complied with the order and instead, trespassed into the petitioner's house and forcibly evicted him. In this regard, the petitioner submitted a representation dated 01.04.2025 to the respondents 1 to 3, requesting them to evict the fifth respondent from the house belonging to the petitioner and to recover the maintenance amount. As no action has been taken till date, the petitioner has now filed the present writ petition.

4. The learned counsel for the petitioner would submit that, it would suffice, if this Court issues a direction to the respondents 2 and 3 to consider the representation of the petitioner and pass appropriate



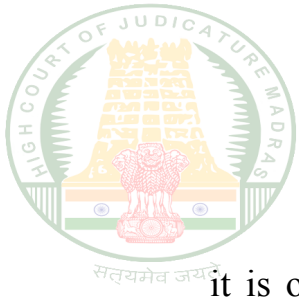
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orders, within a time frame that may be stipulated by this court.

5. 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.

6. In the light of the above observations, there shall be a direction to the respondents 2 and 3 to consider the petitioner's representation dated 01.04.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of eight weeks 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 matter and that



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It is open to the respondents 2 and 3 to consider the same on its own merits.

7. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

22.04.2025

Index : Yes / No

Internet : Yes / No

PKN



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VIVEK KUMAR SINGH, J.

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