

W.P(MD)No.11469 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2025

CORAM :

THE HON'BLE MR.JUSTICE P.DHANABAL

W.P(MD)No.11469 of 2024

and

W.M.P(MD)No.10214 of 2024

Rajam Daisy

... Petitioner

Vs

**1. The Superintendent of Police,
District Police Office,
Kanyakumari,
At Nagercoil.**

**2. The Inspector of Police,
Anjugramam Police Station,
Kanyakumari District.**

3. Preethi Singh

... 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 appropriate action as against the 3rd respondent as per the orders passed by the Revenue Divisional Officer / The Parents and Senior Citizens Maintenance and Welfare Tribunal, Nagercoil in Moo.Mu. Aa5/1533/2024 dated 10.05.2024 and consequently directing



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the 2nd respondent to provide adequate police protection to reside the petitioner in her house bearing Door No.6/11A, Hospital Road, Alazhappapuram, Kanyakumari District by considering the petitioner's representation dated 22.05.2024 within a time frame that may be fixed by this Cour.

For Petitioner : Mr.L.Jeen Felix

For R1 and R2 : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)

For R3 : Mr.Muthurakkan

ORDER

This Writ Petition has been filed seeking a direction to the first respondent to initiate appropriate action against the third respondent as per the order passed by the Revenue Divisional Officer/ The Parents and Senior Citizens Maintenance and Welfare Tribunal, Nagercoil in Moo.Mu. Aa5/1533/2024 dated 10.05.2024 and consequently to direct the second respondent to provide adequate police protection to reside the petitioner in her house bearing Door No.6/11A, Hospital Road, Alazhappapuram, Kanyakumari District by considering the petitioner's representation, dated 22.05.2024.



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2.The learned Counsel for the petitioner would submit that the petitioner is a Senior Citizen. She is the owner of the property bearing Door No. 6/11A, Hospital Road, Alazhappapuram, Kanyakumari District. While so, the petitioner went to Chennai for taking care of her husband, who was taking treatment in a hospital. Taking advantage of the same, the third respondent forcibly entered into the house and occupied one portion and thereby, the petitioner filed a petition before the Parents and Senior Citizens Maintenance and Welfare Tribunal, Nagercoil and the same was allowed with a direction to the police to take action against the third respondent for unlawful possession of the property, thereby, the petitioner sent a representation to the second respondent police, dated 22.05.2024 to take appropriate action based on the order passed by the Tribunal in Moo.Mu. Aa5/1533/2024 dated 10.05.2024, but the same has not been considered. Hence this petition.

3.The learned Counsel for the third respondent would submit that the third respondent is none other than the daughter-in-law of the petitioner and there is a family dispute pending between the son of the petitioner and the third respondent and thereby, the third respondent is



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residing in the above said house. Originally the property was purchased in the name of the petitioner but the third respondent also contributed amount for the purchase of the property. Therefore, she is claiming right over the property. In the mean time, due to misunderstanding between the third respondent and her husband, she was residing in the above said house. Now the petitioner by supporting her son, filed a petition before the Parents and Senior Citizens Maintenance and Welfare Tribunal, Nagercoil and the Tribunal also passed order by holding that provision of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 will not attract. However, directed the police to take action against the third respondent. Therefore, she filed a writ petition in W.P(MD)No. 12403 of 2024 and the same also pending before this Court. Moreover, the third respondent also filed a petition under the Protection of Women from Domestic Violence Act and the same is pending in D.V.O.P.No.8 of 2024, before the learned Judicial Magistrate, Additional Mahila Court, Nagercoil. In the mean time, the Tribunal passed order by directing the police to take action against the third respondent. Once the Tribunal came to conclusion that the Act itself is not attracted, then the Tribunal cannot pass such a direction to police to take action against the third respondent. Therefore, the petitioner is not entitled for police protection.



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4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner sent a representation, dated 22.05.2024 for police protection and the same is under consideration. There is a family dispute pending between the parties and the third respondent is none other than the daughter-in-law of the petitioner. The petitioner already obtained orders from the said Tribunal and based on that order, the petitioner sent a representation and the same will be considered in accordance with law.

5.Heard both sides and perused the records.

6.The prayer of the petitioner is to take action against the third respondent based on the order passed by the Parents and Senior Citizens Maintenance and Welfare Tribunal, Nagercoil and also to consider the representation, dated 22.05.2024 for police protection.

7.In this case it is an admitted fact that the third respondent is the daughter-in-law of the petitioner and there is a family dispute between the third respondent and her husband, who is the son of the petitioner.



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The petitioner filed a petition before the Parents and Senior Citizens Maintenance and Welfare Tribunal, Nagercoil and the Tribunal also directed the police to take action against the third respondent. It is also an admitted fact that the third respondent filed petition in D.V.O.P.No.8 of 2024 on the file of the learned Judicial Magistrate, Additional Mahila Court, Nagercoil

8.Since there is a family dispute pending between the parties and the third respondent also challenged the order passed by the Tribunal in W.P(MD)No.12403 of 2024 and this Court also passed order in that writ petition by holding that the order passed by the first respondent therein, is without jurisdiction and till the disposal of the said D.V.O.P.No.8 of 2024, the police cannot evict the third respondent. Therefore, the petitioner is not entitled to police protection and after the result of the D.V.O.P.No.8 of 2024, the petitioner can approach the police subject to the outcome of the result of that petition. Therefore, the prayer of the petitioner for police protection cannot be considered at this stage.



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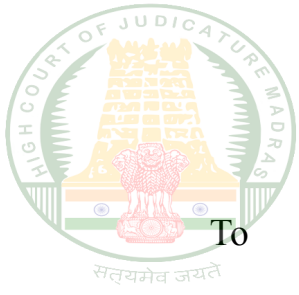
WEB COPY 8.This Writ Petition is dismissed with the above terms.

Consequently, the connected miscellaneous petition is closed.

14.03.2025

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

LR



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To

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1. The Superintendent of Police,
District Police Office,
Kanyakumari,
At Nagercoil.
2. The Inspector of Police,
Anjugramam Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL, J.

LR

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