



W.P.(MD)No.26581 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Reserved On	08.01.2025
Pronounced On	29.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.26581 of 2024

and

W.M.P.(MD)Nos.22542 and 22543 of 2024

Indira

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Superintendent of Police,
Kanyakumari District,
Kanyakumari.
- 3.The RDO-cum-Sub-Collector,
Padmanabhapuram Division,
Padmanabhapuram,
Kanyakumari District.
- 4.The Inspector of Police,
Kollencode Police Station,
Kollencode,
Kanyakumari District.
(C.S.R.No.461 / 2023)



W.P.(MD)No.26581 of 2024

5.Thomas,
The Inspector of Police,
Kollencode Police Station,
Now working at AR Camp,
Maravankudiyiruppu,
Kanyakumari District.

6.Christudass,
SSI of Police (1885),
Kollencode Police Station,
Kollencode,
Kanyakumari District.

7.Nirmalan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents 1, 2 and 4 herein to forthwith conduct a fair and proper enquiry on the petitioner's complaints / representations dated 17.10.2023, 30.11.2023 and 29.09.2023, respectively, under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and to grant appropriate Police protection to the petitioner and her family members and to pass final orders, within a time stipulated by this Court.

For Petitioner : Mr.P.M.Vishnuvarthanan

For R1 and R3 : Mr.M.Muthumanikkam
Government Advocate

For R2 and R4 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

The petitioner, a 75-year-old widow, has submitted representations to the respondents 4, 1 and 2 on 29.09.2023, 17.10.2023, and 30.11.2023,



W.P.(MD)No.26581 of 2024

respectively, requesting a fair and proper enquiry under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, as well as appropriate Police protection for herself and her family members. Since no action was taken, she filed this Writ Petition.

2. The learned counsel for the petitioner submits that the petitioner lives with her unmarried daughter, who is working as a teacher in Kerala, and her son, who is differently-abled and works at N.I. Engineering College, Kumaracoil. Her late husband, Raghuvaran, retired from the Tamil Nadu Revenue Department and passed away on 22.04.2023. In 2010, the petitioner's husband purchased a small plot of land, measuring 5.5 cents, in Survey Nos.135/5A and 135/6A in Adikkakuzhi Village from Palammal through a registered sale deed (Document No.1737/2010). The revenue records were updated with Joint Patta Nos.6811 and 6859 in the name of her husband. On the same day, Palammal sold the adjacent land to the seventh respondent, Nirmalan, through the registered the sale deed in Document No.1736 / 2010.

3. The learned counsel submits that after purchasing the property, the petitioner's husband planted jackfruit and coconut trees, maintaining



W.P.(MD)No.26581 of 2024

the land. The property includes a pathway, as recorded in the sale deed.

However, the seventh respondent, a known criminal involved in multiple offences, began harassing the petitioner. Following the death of her husband, the seventh respondent pressured the petitioner to sell the property, but she refused. On 25.09.2023, he locked the gate to the property, blocking her access and preventing her from performing monthly prayers at her husband's grave. Hence, the petitioner filed a complaint with the authorities, but the Police and the Revenue Officials did not take any action. On 17.10.2023, she made another representation to the first respondent. Thereafter, the seventh respondent removed the gate and constructed a wall with hollow blocks, effectively closing the pathway to the property. This obstruction prevents the petitioner from accessing the grave of her late husband Raghuvaran.

4. The learned counsel for the petitioner further submits that a complaint, C.S.R.No.461 of 2023, was filed by the petitioner on 29.09.2023, but it was treated as a civil dispute, favouring the seventh respondent. The petitioner has also filed a civil suit (O.S.No.196 of 2023) in the District Munsif Court, Kuzhithurai, against the seventh respondent. However, the seventh respondent has stated that the suit is not



W.P.(MD)No.26581 of 2024

maintainable under Section 27 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

5. The learned counsel for the petitioner further submits that the petitioner holds the Patta for the property (Nos.6811 and 6859), which was in her late husband's name. However, due to the obstruction created by the seventh respondent, she cannot visit the graveyard or perform her regular prayers.

6. The learned Additional Public Prosecutor was directed to file a status report, and a report was submitted by the fourth respondent on 18.11.2024. The report confirmed that the petitioner's husband purchased the land in 2010, and after his death, his body was buried on the property, in line with local customs. The fourth respondent visited the site on 14.11.2024 and verified that the pathway was obstructed by a newly constructed wall. Witnesses confirmed that the petitioner regularly visited the grave before the obstruction was created.

7. Further, the Tahsildar, in his report dated 15.11.2024, confirmed the closure of the only pathway to the graveyard. Photographs and the reports from the Inspector of Police, Kollencode Police Station, corroborate the same.



W.P.(MD)No.26581 of 2024

8. Considering the above said facts, it is clear that the petitioner's husband purchased the land in 2010, and after his death, the petitioner followed local customs by burying him in the property. However, the seventh respondent has blocked the pathway to the graveyard, denying the petitioner and her family members access to the site. No one should be denied access to a graveyard, especially under these circumstances.

9. In the light of the above, the first respondent, the District Collector, and the second respondent, the Superintendent of Police, are directed to ensure that the obstruction put up by the seventh respondent in the form of the hollow block wall is removed immediately. They must ensure that the petitioner and her family have free access to the graveyard of Raghuvaran, to perform their customary prayers.

10. With the above direction, this Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order
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29.01.2025



W.P.(MD)No.26581 of 2024

To

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- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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W.P.(MD)No.26581 of 2024

M.NIRMAL KUMAR, J.

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Pre-delivery order in
W.P.(MD)No.26581 of 2024

29.01.2025