



W.P.(MD)No.494 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **09.01.2025**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

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Pandiammal

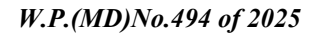
... Petitioner

Vs.

1. The District Collector,
Ramanathapuram District.
2. The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
3. The Tahsildhar,
Paramakudi Taluk,
Ramanathapuram District.
4. V.Marudhupandi

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents No.1 to 3 to remove the encroachment made by the 4th respondent in the petitioner's property in Sy.No. 542/22B1, 542/22C, Kamuthakudi Village, Paramakudi Taluk and Ramanathapuram District measuring to an extent of 0.0079 Sq.mt and 0.0037 Sq.mt respectively and to ensure that the petitioner's property is protected by considering her representation dated 17.04.2023.



Government Advocate



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situated at Kamudhakudi Village, Paramakdi Taluk, Ramanathapuram District, is the absolute property of the petitioner and she had inherited the same from her father and she has been enjoying the same exclusively without any hindrance for the past several years. However, the 4th respondent, who is a stranger attempted to survey the petitioner's land with the help of revenue officials and in the guise of measuring his land, he has encroached upon the petitioner's land forcibly. The petitioner is a senior citizen, whose daughters 3 in numbers have already got married and settled in other places and she is living separately. In such circumstances, she made a detailed representation to the second respondent on 17.04.2023 under Rule 20 of the Maintenance and Welfare of Parents and Senior Citizens Rules, 2009, (hereinafter referred to as “Rules, 2009” for the sake of convenience) seeking to remove the encroachment made by the fourth respondent in her property. However, the representation is not considered and hence, the writ petition came to be filed.

4. When the matter is taken up for hearing, the learned Government Advocate appearing for the official respondents sternly required this Court to place this writ petition before appropriate Division Bench for the reason that the matter is all about encroachment.



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5. However, considering these type of cases having some civil implications, the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, (hereinafter referred to as “Act, 2007” for the sake of convenience) was enacted by the Government to provide for more effective provisions for maintenance and welfare of parents and senior citizens as guaranteed and recognized under the Constitution and for matters connected therewith and incidental thereto. In exercise of power under Section 32 of the Act, 2009, the State Government has framed the Maintenance and Welfare of Parents and Senior Citizens Rules, 2009. Chapter V of the aforesaid Rules provides for the duties and powers of the District Collector.

6. Rule 20 (2) (i), (vi) & (viii) of the Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 is extracted hereunder:-

“20. Duties and powers of the District Collector:-

.....

(2) It shall be the duty of the District Collector to, -

(i) ensure that life and property of senior citizens of the district are protected and they are able to live with security and dignity;

.....

(vi) ensure provision of timely assistance and relief to senior citizens in the event of natural calamities and other



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emergencies;

.....

(viii) review the progress of investigation and trial of cases relating to senior citizens in the district, except in cities having a Police Commissioner;”

7. In a country like India, where human population is alarmingly high, desertion of senior citizens is increasing. In a country where family system has thrived, the children always have considered their parents as gods and are bound to maintain them. By passage of time, they have slowly lost site in the name of modern culture and have started deserting the parents during the time of their old age and difficulty. Only in such circumstances, the Government of India has enacted the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, and the State Government has promptly framed the Rules in this regard as early as in the year 2009 itself. In a democratic country, when the family system has failed and the senior citizens are thrown to streets, it is the bounden duty of the State to protect the senior citizens and to take care of their safety and security till they breathe last. Only on that noble thought, Chapter V has been enacted by the State Government in the Maintenance and Welfare of Parents and Senior Citizens Rules, 2009.



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8. In the instant case, since the petitioner being a senior citizen as well as a senior woman, who is living alone, despite having four children, when her life and property is in danger, naturally the District Collector would be the guardian of the senior citizen. Applauding the efforts taken by the first respondent District Collector, promptly on receipt of the representation from the petitioner on 17.04.2023, the first respondent has directed the subordinate revenue authorities to look into the matter and has taken necessary steps to ascertain as to whether the plight of the petitioner as claimed by her is true.

9. It is understood from the documents placed before me, more particularly, from the communication made by the first respondent District Collector to the third respondent Tahsildar, and the Inspector of Police, Paramakudi dated 08.07.2024 that the petitioner's claim that her land has been encroached is true and the third respondent Tahsildar was directed to take appropriate action to remove the encroachment. Pursuant to the said communication received from the first respondent, the third respondent, by memorandum dated 04.11.2024, has required the fourth respondent to appear before the third respondent with all necessary documents to substantiate his right over the petitioner's property and to establish under what right he has encroached the property of the petitioner. Thereafter, nothing has transpired



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positively and that the representation hangs midway before the office of the third respondent.

10. In such circumstances, this Court hereby direct the third respondent to swing into action and conclude the enquiry initiated on the petitioner's representation dated 17.04.2023 after giving opportunity both to the petitioner and the fourth respondent and measure the property of the petitioner with the aid of the Taluk Surveyor and ascertain as to whether the fourth respondent has encroached the land of the petitioner as claimed by her. If the same is confirmed, necessarily steps shall be taken by the third respondent by submitting an appropriate report before the first respondent in this regard. The first respondent, on receipt of the report from the third respondent, shall take appropriate steps to remove the encroachment, if any as identified by the third respondent in the manner known to law, within a reasonable period of time. This writ petition is disposed of accordingly. No costs.

09.01.2025

NCC : Yes / No
Index : Yes / No
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L.VICTORIA GOWRI, J.

Sm

TO:-

1. The District Collector,
Ramanathapuram District.
2. The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
3. The Tahsildhar,
Paramakudi Taluk,
Ramanathapuram District.

Order made in
W.P.(MD)No.494 of 2025

Dated:
09.01.2025