

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.15150 of 2016

P.Vinayagam

... Petitioner

vs.

1.The Collector,
District Collector Office,
Singaravelar Maligai
Chennai 600 001.

2.B.Dakshayani
Sub Divisional Magistrate,
and District Backward Classes and
Minority Welfare officer,
District Collector Office,
Singaravelar Maligai,
Chennai 600 001.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the second respondent to dispose of the complaint No.22026/2015 dated 13.08.2015 under Senior Citizen Maintenance Act 2007 under proceeding No.Y5/23838/2015.

For Petitioner : Mr.J.Sudhakaran

For Respondents : Mr.V.Jayaprakash Narayanan,
SGP

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the second respondent to dispose of the complaint No.22026/2015 dated 13.08.2015 filed by the petitioner under the Senior Citizen Maintenance Act 2007.

2. It is the case of the petitioner that he is a senior citizen and is having two daughters and a son. His wife passed away on 11.02.2003. He is living along with his son's family. While so, he decided to settle his ancestral property, on the basis of the assurance given by his son that he would take care of him till his death. Accordingly, he executed a gift settlement deed bearing Document no.2417/2008 dated 15.12.2008 on the file of the Sub Registrar, Periamet in favour of his two

daughters and one son. After executing the said deed, the petitioner's son started to abuse him, harass him by using filthy language and hit him in order to vacate the house. As the petitioner was not able to live in his house peacefully, he gave a complaint to the second respondent on 31.08.2015 under Senior Citizen Maintenance Act, 2007 and the same was numbered as 22026 of 2015. Thereafter, the second respondent issued a Form D - notice in No.Y5/23836/2015 dated 28.10.2015 calling upon the parties to appear for enquiry on 04.12.2015. Though the petitioner was present, his son remained absent for enquiry. Thereafter, there was no progress in the said proceedings. His son also continued to harass the petitioner. Hence, he made a representation dated 01.02.2016 to the Collector, Chennai requesting to redress his grievances. However, till date, no action has been taken by the first respondent. Therefore, the petitioner has filed the present petition for the above stated relief.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader, who took notice for the respondents.

4. Considering the facts and circumstances of the case, without expressing any opinion with regard to the merits of the claim made by the petitioner, this Court directs the second respondent to dispose of the complaint No.22026/2015 dated 13.08.2015 filed by the petitioner under the Senior Citizen Maintenance Act, 2007, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as to all the necessary parties, within a period of eight weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

To

1.The Collector,
District Collector Office,
Singaravelar Maligai
Chennai 600 001.

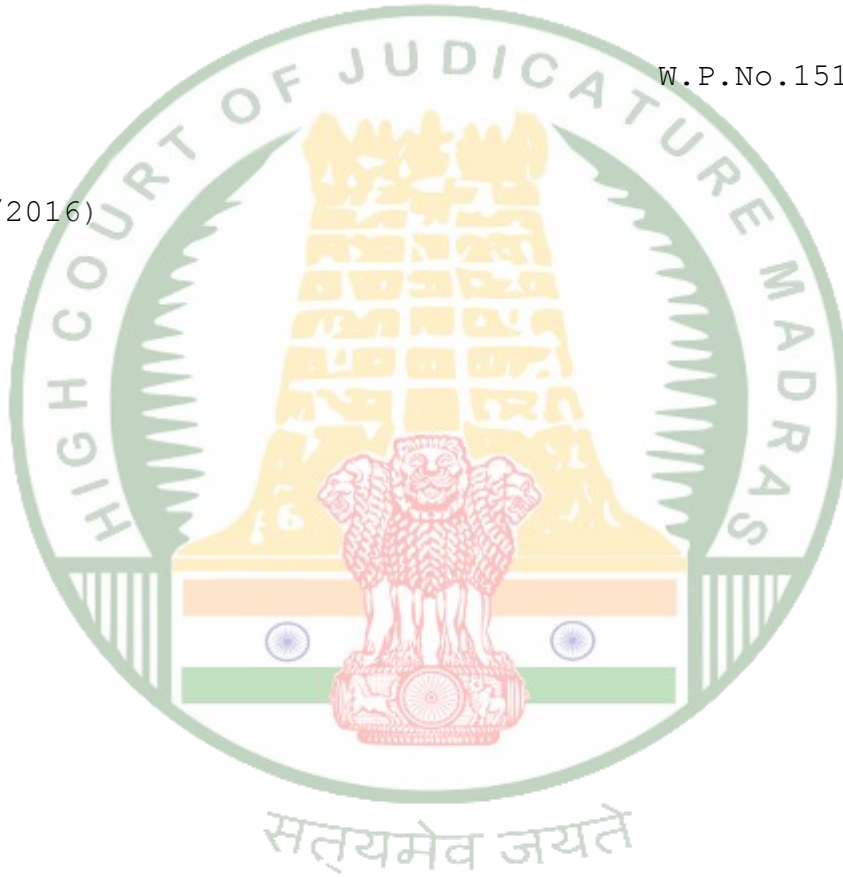
Sub Assistant Registrar

2.B.Dakshayani
Sub Divisional Magistrate,
and District Backward Classes and
Minority Welfare officer,
District Collector Office,
Singaravelar Maligai,
Chennai 600 001.

+1cc to Mr.J.Sudhakaran, Advocate, S.R.No.26044
+1cc to the Government Pleader, S.R.No.25860

W.P.No.15150 of 2016

mp (CO)
srg (27/04/2016)



WEB COPY