

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No. 1952 of 2016

Tmt.A. Subbammal

.. Petitioner

Vs

1. The Sub Collector,  
Thiruvallur District,  
Thiruvallur.
2. Tmt. Padmavathy
3. Tmt. Jayanthi alias Jayapradha
4. Tmt. Pavithra
5. Tmt. Yamuna

.. Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the 1<sup>st</sup> respondent to dispose of the petitioner's statutory appeal dated 13.10.2015 which is pending on the file of the 1<sup>st</sup> respondent on the light of the proceedings in Na.Ka.2949/2015/A4 dated 15.10.2015 passed by the 1<sup>st</sup> respondent within a stipulated period of time and in accordance with law.

For Petitioner : Mr. M.V. Muralidharan

For Respondent : Mr. P. Karthikeyan  
Government Advocate (R1)

ORDER

The Petitioner has come forward with this Writ Petition seeking for a direction directing the 1<sup>st</sup> respondent to dispose of the petitioner's statutory appeal dated 13.10.2015 which is pending on the file of the 1<sup>st</sup> respondent in the light of the proceedings in Na.Ka.2949/2015/A4 dated 15.10.2015 passed by the 1<sup>st</sup> respondent within a stipulated period of time.

2. Heard Mr. M.V.Muralidharan, learned counsel appearing for petitioner and Mr.P.Karthikeyan, learned Government Advocate appearing for the respondents.

3. According to the petitioner, the petitioner is owning lands in S.No.184/2 to an extent of 1.26 cents in Thiruvallur Taluk and patta was also issued in her favour in patta No.282. The Petitioner is having a son by name Balu and two daughters viz., Shanthi and Lakshmi. The 2<sup>nd</sup> respondent is her daughter in law and respondents 3 to 5 are her grand daughters. In the year 2011, her son Balu came to her and requested the title deed of the above said property and by showing the same, he could be able to take some time from his money lenders for repayment of the loan amount. Out of motherly affection, the petitioner handed over the title deeds to her son. But the said document was misused by her son as if the petitioner had settled the property in her son's name on 18.11.2011 through a registered deed. Further, taking advantage of her language problem, her son preferred the settlement deed fully in Tamil and got her signature under the impression to convince his money lenders that he has got certain property in his name. Further, based upon the settlement deed executed in his favour, he transferred the property in his wife's name who is the 2<sup>nd</sup> respondent herein. The petitioner's son was also died recently. The 2<sup>nd</sup> respondent after obtaining the said settlement deed under the coercion and fraud, grabbed the petitioner's landed property and thrown her into street and made her to beg even for her daily survival. Now the petitioner was abandoned by her daughter in law and her daughters.

4. Hence the petitioner submitted an appeal on 13.10.2015 before the 1<sup>st</sup> respondent under section 23(1) of Maintenance and Welfare of parent and Senior Citizen Act 2007 seeking to declare the settlement deeds dated 18.11.2011 and 16.2.2015 as null and void. Subsequently the 1<sup>st</sup> respondent in his proceedings in Na.Ka.2949/2015/A4 dated 15.10.2015 issued a notice to the respondents 2 to 5 and posted the matter for enquiry on 19.10.2015, but no progressive action was taken up by the 1<sup>st</sup> respondent to conclude the proceedings. Hence the writ petitioner is before this Court.

5. The petitioner has preferred an appeal on 13.10.2015 under Section 23(1) of Maintenance and Welfare of Parent and Senior Citizen Act 2007 seeking to declare the settlement deeds executed by herself and subsequently by her son as null and void, pointing out various other grounds and the appeal is yet to be disposed of by the 1<sup>st</sup> respondent.

6. Learned counsel appearing for the petitioner submitted that it would be suffice if the appeal which is pending before the 1<sup>st</sup> respondent is disposed of at an early date.

7. Learned Government Advocate appearing for the respondent has also no objection to grant such relief to the petitioner.

8. Considering the nature and limited scope of the prayer claimed in the writ petition, this Writ petition stands disposed of by directing the 1<sup>st</sup> respondent to dispose of the appeal preferred by the petitioner dated 13.10.2015 within a period of two weeks from the date of receipt of a copy of this order. The petitioner is directed to circulate a copy of this order to the respondent forthwith.

9. With the above direction, this writ Petition is disposed of. No costs.

sd/-

Assistant Registrar (Cs-IV)

/TRUE COPY/

Sub-Assistant Registrar

msr

To

The Sub Collector,  
Thiruvallur District,  
Thiruvallur.

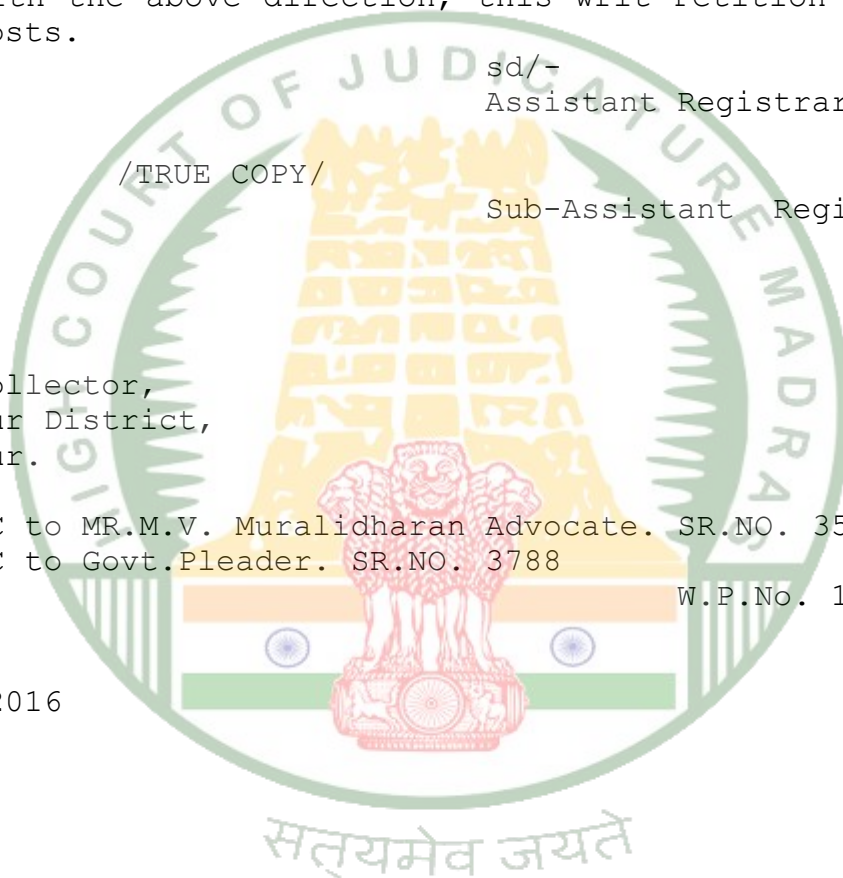
+1 CC to MR.M.V. Muralidharan Advocate. SR.NO. 3527

+1 CC to Govt.Pleader. SR.NO. 3788

W.P.No. 1952 of 2016

AR-IV

JD 22/01/2016



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