

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.11.2016

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THE HONOURABLE Mr.JUSTICE B.RAJENDRAN

WP.No.38001 of 2016

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Petitioner

...Vs...

- 1.The District Collector,
(Senior Citizen Protection & Safeguard Legal Firm)
District Collector's Office,
Tiruppur District.
2. The Sub Registrar,
Sub-Registrar Office,
Palladam.
3. Manjunathan
4. Logeswari

Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to consider the petitioner's representation dated 21.11.2015 within a time limit fixed by this Court.

For Petitioner : Mr.S.Gunalan

For RR 1&2 : Mr.S.V.Duraisolaimalai, AGP

सत्यमेव जयते
ORDER

Heard the learned counsel for the petitioner and Mr.S.V.Duraisolaimalai, learned Additional Government Pleader, accepting notice on behalf of the respondents 1 and 2 and with the consent on either side, the writ petition is taken up for final disposal.

2 The petitioner would state that he is the absolute owner of the landed property and the superstructure put up thereon, admeasuring to an extent of 14095 sq.ft. comprised in S.F.No.315/2A in Plot Nos.22 to 25, situate at Karaipudhur Village, Palladam, through a registered Sale Deed dated 24.06.1998. It is his further submission that the respondents 3

and 4 are his son and daughter-in-law and that his wife died during the year 2009. Subsequently, the respondents 3 and 4 did not take care of the petitioner and hence, he married one Latha. On coming to know about the second marriage of the petitioner, the respondents 3 and 4, with an ulterior motive to grab his properties, ill-treated the petitioner and his wife Latha and a panchayat was convened, in which, the petitioner was prepared to execute a Will. But, the 3rd respondent, had prepared two Settlement Deeds and got the signature of the petitioner in a hurried manner and the same were registered on the file of the Sub Registrar, Palladam, as Doc.Nos.19548/2011 and 19549/2011. The petitioner subsequently cancelled those Deeds vide Cancellation Deeds, bearing Doc.No.2168/2012 [Settlement Deed Doc.No.19549/2011] and Doc.No.2523/2013 [Settlement Deed Doc.No.19548/2011] dated 07.02.2012 and 19.02.2013 respectively. Two suits were filed by the respondents 3 and 4 in OS.Nos.327/2012 on the file of the District Munsif Court, Tiruppur seeking declaration that the Cancellation Deed bearing Doc.No.2168/2012 as null and void and OS.No.15/2015 on the file of the District Munsif Court, Palladam, seeking declaration that the Cancellation Deed bearing Doc.No.2523/2013 as null and void and that both suits are pending and the petitioner has also filed written statements in the said suits. The grievance expressed by the petitioner is that he is protected by the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and that he has submitted a representation dated 21.11.2015 to the 1st respondent seeking protection of his wife, properties and him and since, he has not been favoured with any kind of response, he is before this Court by filing the present writ petition.

3 Taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the claim projected by the petitioner in his representation dated 21.11.2015, directs the 1st respondent to consider and dispose of the said representation on merits and in accordance with law after issuing notice to the respondents 3 and 4 and pass orders as expeditiously as possible and communicate the decision taken, to the petitioner.

4 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

AP

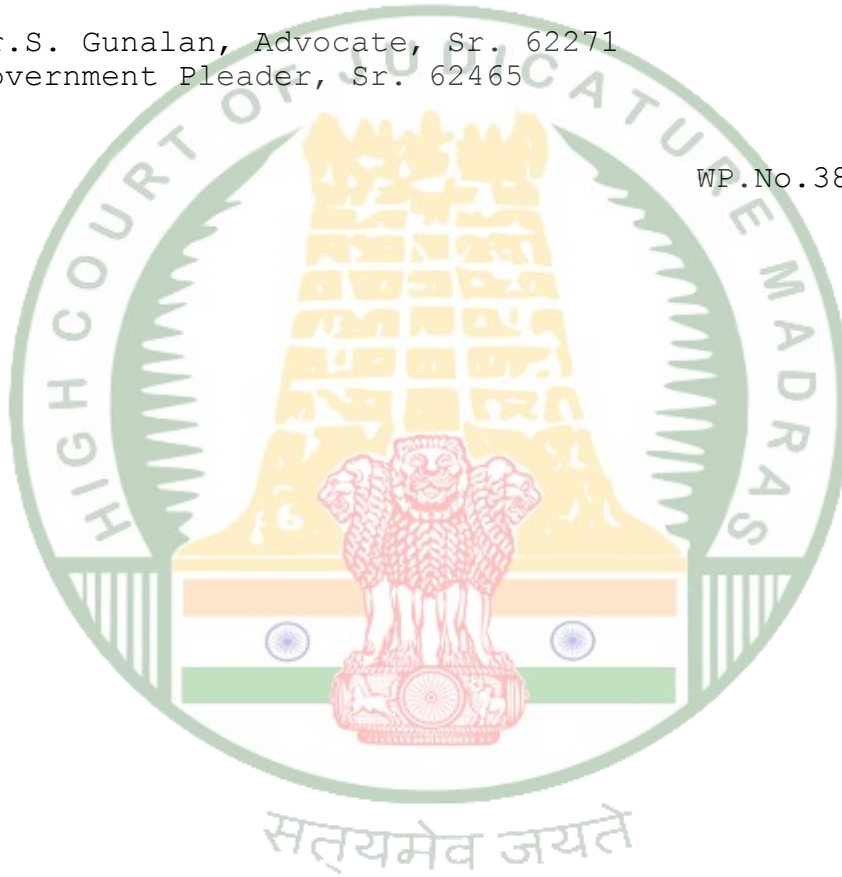
To

- 1.The District Collector,
(Senior Citizen Protection & Safeguard Legal Firm)
District Collector Office,
Tiruppur District.
2. The Sub Registrar,
Sub-Registrar Office,
Palladam.

1 cc to Mr.S. Gunalan, Advocate, Sr. 62271
1 cc to Government Pleader, Sr. 62465

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RSY (CO)
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