

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2016

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.9628 of 2016

T.Subramani

... Petitioner

vs.

1. The Revenue Divisional Officer,
Maduranthagam Revenue Division,
Maduranthagam,
Kancheepuram District.

2. R.Devagi

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus, directing the first respondent to conduct summary enquiry, in pursuance of petitioner's complaint, dated 13.03.2015 presented in person as well as sent by registered post on 06.01.2016 and acknowledged by respondent on 08.01.2016 under Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

For Petitioner : Mr.R.Veeramani
For Respondents : Mr.P.Karthikeyan
Govt. Advocate

O R D E R

The writ petition has been filed under Article 226 of the Constitution of India, seeking an order in the nature of writ of mandamus, directing the first respondent to conduct summary enquiry, in pursuance of petitioner's complaint, dated 13.03.2015 presented in person as well as sent by registered post on 06.01.2016 and acknowledged by respondent on 08.01.2016 under Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

2. The petitioner has averred in the affidavit that he had three sons and four daughters. The agricultural land, situated in Survey Nos.560/1A, 561/7,8,9, an extent of 3 acre and 14 cents in Thennambattu Village, Maduranthagam Taluk, Kancheepuram District was purchased by him from one Egambaram. The said sale deed, dated 14.03.1986 was registered as Document No.324 of 1986. The funds were provided by Mr.S.Velayudam, the elder son of the petitioner. While so, one of the younger daughter of the

petitioner, by name, Mrs.Devagi, who was married, requested the petitioner to be surety for the same, since he owns land in his name. Believing the said representation, the petitioner put thumb impression on loan documents prepared by her younger daughter in 2008. Subsequently, in 2010, when the petitioner came to know that his daughter had played fraud on him, the petitioner made a representation to the SRO and cancelled the Settlement Deed fraudulently obtained from him. Thereafter, the petitioner executed Settlement Deed in favour of Mr.Velayutham in 2010, who is no more now.

3. The younger daughter of the petitioner, requested the petitioner that she may be given three cents of lands in any part aforesaid landed properties. Accordingly, the petitioner signed a document on 19.10.2010, which she had prepared and brought through her son. While so, when the petitioner applied for Encumbrance Certificate from the office of Sub-Registrar, the petitioner came to know that her daughter, Mrs.Devagi had played fraud upon him and secured settlement deed in her favour on 19.10.2010, by which she grabbed the entire property of the family. Thereafter, the petitioner lodged a complaint to the police, however, there is no response. On 13.03.2015, the petitioner lodged a complaint to the first respondent in person, but no acknowledgement was parted with. Again, on 06.01.2016, the petitioner sent a complaint, by way of registered post, which was acknowledged by the first respondent on 08.01.2016. But till date, there is no response from the first respondent and hence, the petitioner has come forward with the present writ petition, seeking for the relief as stated supra.

4. Considering the facts and circumstances and after hearing the submissions of both sides and pursuing the material papers, I am of the opinion it would be appropriate to direct the first respondent to conduct enquiry on the complaint of the petitioner. Accordingly, the first respondent is directed to conduct summary enquiry in pursuance of the complaint of the petitioner, dated 13.03.2015 presented in person as well as sent by registered post on 06.01.2016, and pass appropriate orders, after providing 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. It is made clear that it is open to the first respondent to decide the issue purely on merits.

5. With the above observations, this writ petition is disposed of. No costs.

tsvn

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

The Revenue Divisional Officer
Maduranthagam Revenue Division,
Maduranthagam,
Kancheepuram District.

+ 1 cc to Mr.R.Veeramani, Advocate SR 16564

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