

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.17017 of 2017 and
W.M.P.Nos.18467 & 18468 of 2017

Neelavathi

... Petitioner

Vs.

1. The Appellate Authority under
Maintenance of Parents and Senior
Citizens Act cum District Collector,
District Collectorate,
Singaravelar Building, Parrys, Chennai - 1.
2. The Sub Divisional Magistrate
cum Sub Collector (In Charge),
Thondiarpet Division,
Chennai - 61.
3. The Sub Registrar,
Sembiam Sub Registrar's Office,
Chennai - 11.
4. K.Kalyani Kulasekaran

.... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the 1st respondent to hear and dispose of the petitioner's statutory appeal dated 19.06.2017 filed against the impugned order made by the 2nd respondent dated 02.05.2017 in Ref.No.A3/479/2016 within one month of receipt of appeal in terms of Section 16(6) of Maintenance and Welfare of Parents and Senior Citizens Act 2007 and further direct interim suspension of the operation of the impugned order dated 02.05.2017 made by the 2nd respondent in Ref.No.A3/479/2016 till the disposal of the statutory appeal on the file of the 1st respondent.

For Petitioner : Mr.R.Veeramani

For Respondents : Mr.S.N.Parthasarathi,
Government Advocate (R1 to R3)

O R D E R

Mr.S.N.Parthasarathi, learned Government Advocate takes notice for the respondents 1 to 3. By consent, the main Writ Petition is taken up for disposal at the admission stage itself.

2. The petitioner has filed the above Writ Petition to issue a writ of mandamus directing the 1st respondent to hear and dispose of the petitioner's statutory appeal dated 19.06.2017 filed against the impugned order made by the 2nd respondent dated 02.05.2017 within one month of receipt of appeal in terms of Section 16(6) of Maintenance and Welfare of Parents and Senior Citizens Act 2007 and further direct interim suspension of the operation of the impugned order dated 02.05.2017 made by the 2nd respondent till the disposal of the statutory appeal on the file of the 1st respondent.

3. The learned counsel appearing for the petitioner submitted that the 2nd respondent has passed an erroneous order, which was challenged before the 1st respondent by way of an appeal on 19.06.2017. However, the 1st respondent has not disposed of the appeal yet. Further, the stay petition filed along with the appeal was also not considered by the 1st respondent so far.

4. Mr.S.N.Parthasarathi, learned counsel appearing for the respondents 1 to 3 submitted that the 1st respondent may be directed to dispose of the appeal in accordance with law.

5. Having regard to the submissions made by the learned counsel on either side, taking into consideration the limited prayer sought for in the Writ Petition, without expressing any opinion with regard to the merits of the case, I direct the 1st respondent to dispose of the statutory appeal filed by the petitioner on 19.06.2017 in accordance with law, after giving an opportunity of hearing to the 4th respondent, within a period of four weeks from the date of receipt of a copy of this order. The 1st respondent is also directed to dispose of the stay petition filed by the petitioner within ten days from the date of receipt of a copy of this order.

6. With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Appellate Authority under Maintenance of Parents and Senior Citizens Act cum District Collector, District Collectorate, Singaravelar Building, Parrys, Chennai - 1.
2. The Sub Divisional Magistrate cum Sub Collector (In Charge), Thondiarpet Division, Chennai - 61.
3. The Sub Registrar, Sembiam Sub Registrar's Office, Chennai - 11.

+lcc to Mr.R.Veeramani, Advocate, S.R.No.46741

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CS/06/07/17

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