

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.7175 of 2018

Mr.A.K.Shankar Prasad

.. Petitioner

-vs-

1. The District Collector
Chennai District, Collectorate
No.62, Singaravelar Maligai
Rajaji Salai
Chennai 600 001

2. Ms.Sanjana Prasad
D/o A.K.Shankar Prasad .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to dispose of the appeal filed by the petitioner under Section 19 of Act 56 of 2007 against the order of the Revenue Divisional Officer (Tribunal), Egmore Division, Chennai dated 14.02.2018 dismissing the petition filed by the petitioner under Section 7 of Act 56 of 2007 expeditiously within a reasonable time frame fixed by this Hon'ble Court.

For Petitioner :: Mrs.Nalini Chidambaram
Senior Counsel for
Ms.C.Uma

For Respondents :: Mr.V.Jayaprakash Narayanan
Special Government Pleader
for R1
Mr.K.Pradeep Raj for R2

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ORDER

Mr.A.K.Shankar Prasad, the great grandson of Hon'ble Sir Justice T.Muthuswamy Iyer, the first Indian Judge elevated to this High Court, has come to this Court seeking a mandamus to the first respondent to dispose of the appeal filed by the petitioner under Section 19 of Act 56 of 2007, against the order of the Revenue Divisional Officer (Tribunal), Egmore Division, Chennai dated 14.02.2018 dismissing the petition filed by the

petitioner under Section 7 of Act 56 of 2007, expeditiously within a reasonable time frame fixed by this Hon'ble Court.

2. Mrs.Nalini Chidambaram, learned senior counsel for the petitioner pleaded that after marriage with Mrs.Lakshmi Prasad, the second respondent was born. Due to the coercion exerted by the second respondent, the petitioner has settled his valuable property situated at Door No.65, Old No.30-A, Bishop Garden, Greenways Road, Raja Annamalaipuram, Chennai having an extent of 10,776 sq.ft., in her favour on 25.3.2009 in Document No.637 of 2009. However, the petitioner cancelled the said settlement deed on 14.12.2011 in Document No.3101 of 2011. Subsequently, again showing love and affection to his daughter, the second respondent herein, he executed a fresh deed of settlement on 27.2.2014 in Document No.590 of 2014 reserving life interest for himself. Once again he has released his life interest in the said property under the release deed dated 15.7.2015 in Document No.2136 of 2015 in favour of his daughter, the second respondent. As the petitioner's wife and his daughter, the second respondent herein are sailing together, due to a minor dispute arose between them, the second respondent hit the petitioner with a heavy water glass causing grievous injuries, that ultimately required 19 stitches on his forehead, cheek and nose and also damage to his left eye vision. Finally the second respondent walked away with complete indifference, when the petitioner was admitted to Trinity Hospital for emergency treatment. Taking advantage of his absence in the house, a false complaint was also put against the petitioner on the file of the City Civil Court claiming that the petitioner trespassed into her house. As they could not prove the same, the learned Judge of the City Civil Court also vacated the injunction already granted. Initially the petitioner was practising Architecture. Now virtually he is in streets and living on borrowed money. In view thereof, he has given a petition on 21.2.2017 before the Revenue Divisional Officer, Egmore, Chennai, who is acting as a Tribunal constituted under Section 7 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act 56 of 2007) to declare the settlement deed dated 27.2.2014 and the consequential release deed executed by the petitioner in favour of the second respondent as void. Adding further, the learned senior counsel submitted that unfortunately, the Revenue Divisional Officer, Egmore, having taken more than a year to dispose of the petition, without appreciating the hardship faced by the petitioner and the object of the Act, dismissed the petition on 14.2.2018. As against that, the petitioner, being aggrieved, has preferred an appeal before the District Collector, Chennai, the first respondent herein and the same is also pending. In the meanwhile, the petitioner is unable to get entry into his own house and also not able to maintain himself. Therefore, a direction be issued to dispose of the pending appeal on merits expeditiously. In the interregnum, an order of

injunction be issued restraining the second respondent from interfering with the right of the petitioner to stay in the property in question, till the disposal of the appeal by the first respondent.

3. The learned counsel for the second respondent submitted that he is not ready with the matter, since the petitioner has not furnished the full set of papers. However, during the course of hearing, all the documents along with the copy of the writ petition are furnished by the counsel on record for the petitioner. After some arguments, he has fairly agreed that the second respondent will co-operate in the enquiry before the District Collector, Chennai for early disposal of the matter on merits.

4. Recording his statement, to meet the ends of justice, as the Revenue Divisional Officer, Egmore had taken a long time to consider the case of the petitioner and finally the appeal filed against the order passed by the Revenue Divisional Officer, Egmore has not been taken up for hearing till date, this Court hereby directs the second respondent not to interfere with the right of the petitioner to stay in the house in question, till the disposal of the appeal by the District Collector, Chennai. The learned senior counsel for the petitioner also submitted that the petitioner will not alienate the property. Accordingly, this writ petition stands disposed of directing the first respondent to consider and dispose of the pending appeal on merits within a period of six weeks from the date of receipt of a copy of this order. Consequently, W.M.P.Nos.8899 & 8900 of 2018 are closed. No costs.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

ss

To

1. The District Collector
Chennai District, Collectorate
No.62, Singaravelar Maligai
Rajaji Salai
Chennai 600 001

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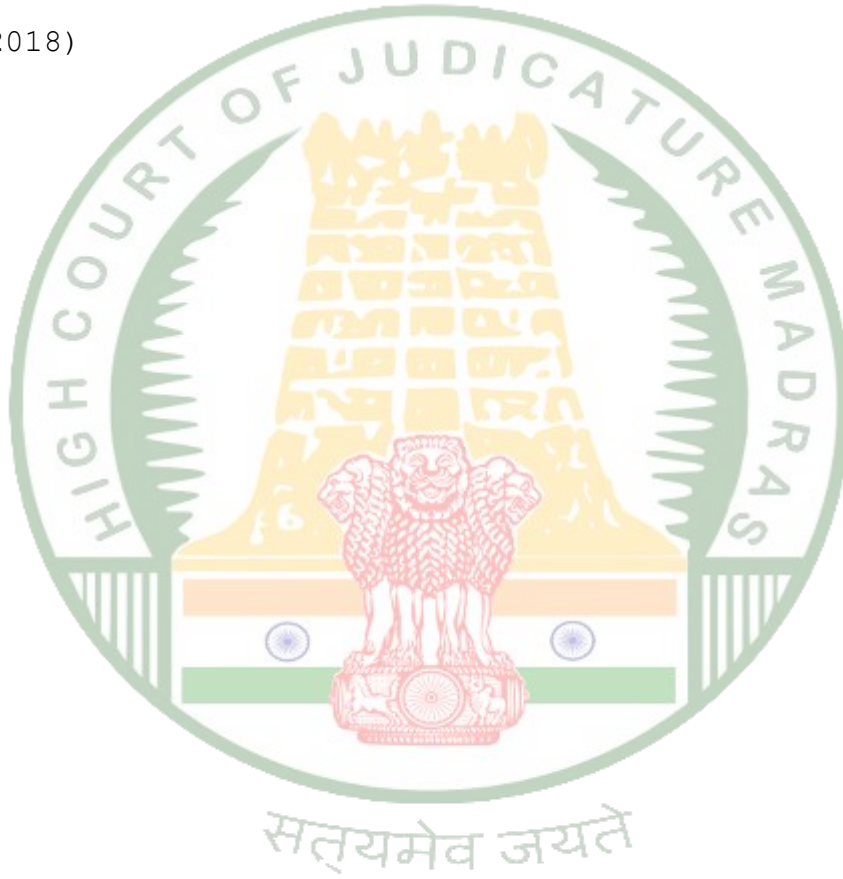
1. The Revenue Divisional officer(Tribunal)
Egmore Division, Chennai.

+1 CC to Mr.K. Pradeep Raj, Advocate sr 30116.

+1 Cc to M/s.C. Uma, Advocate sr 30120.

W.P.No.7175 of 2018

SP(23/04/2018)



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