

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.7423 of 2018

R.Natarajan

... Petitioner

.. Vs ..

1. The Sub Divisional Magistrate / Revenue Divisional Officer,
Senior Citizen Maintenance and Welfare Tribunal,
Revenue Divisional Office,
Collectorate Campus,
Coimbatore - 641 018.
2. The Sub Divisional Magistrate / Revenue Divisional Officer,
Senior Citizen Maintenance and Welfare Tribunal,
Revenue Divisional Office,
Railway Station Road,
Thudiyalur, Coimbatore - 641 034.
3. Mr.N.Ravichandran ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 to consider the representation of the petitioner dated 09.03.2018 under Section 23 of the Maintenance and Welfare of Parents and Senior Citizen Act 2007 and further directing them to declare the Settlement Deeds executed by the petitioner in favour of the third respondent is void.

For Petitioner : Mrs.Udaya P.S.Menon

For RR-1 and 2 : Mr.D.Surya Narayanan
Additional Government Pleader

ORDER

The present writ petition has been filed praying for the issuance of a writ of mandamus directing the respondents 1 and 2 to consider the representation of the petitioner dated 09.03.2018 under Section 23 of the Maintenance and Welfare of

Parents and Senior Citizen Act 2007 and further directing them to declare the Settlement Deeds executed by the petitioner in favour of the third respondent is void.

2. Learned counsel appearing for the petitioner submitted that the petitioner is a senior citizen aged about 71 years and he has purchased several properties in and around Coimbatore in his name and as well as in his wife's name and put up shops and a house in the properties out of his own income and thereafter, he has also inducted tenants in the shops and collected rents therefrom. In the meanwhile, he has also sold away certain properties and deposited the sale proceeds in different Banks. After the death of his second wife, the petitioner gave away Rs.29 Lakhs to his son, the third respondent herein on a promise given by him to look after the petitioner till his life time. This apart he has also given his properties worth about 7 Crores in the name of the third respondent by way of Settlement Deeds dated 19.11.2014 and 15.03.2016 followed by a Release Deed executed by him on 28.12.2016 in favour of his son, the third respondent herein on the assurance that the third respondent would collect rents from the tenants and take care of the petitioner. Receiving all his savings and after few years from the date of the aforementioned Settlement Deeds executed in favour of the third respondent, the third respondent has deserted the petitioner without maintaining him. Now, the petitioner is homeless and he is virtually thrown into the street and suffering without any basic amenities and money for his daily livelihood. Therefore, he has given a representation/application on 09.03.2018 to the second respondent seeking relief under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The learned counsel appearing for the petitioner further submitted that an application filed under Sub-Section 2 of Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 for monthly allowance for the maintenance and expenses for proceeding shall be disposed of within 90 days from the date of service of notice. But till date, the second respondent has not come forward to consider the pending application. As a result, he has been continuously facing irreparable loss and prejudice. Therefore, a direction be issued.

3. Mr.D.Surya Narayanan, learned Additional Government Pleader appearing for respondents 1 and 2 sought for five weeks' time to consider the pending application filed by the petitioner.

4. Placing his request on record, the second respondent is hereby directed to consider the representation/application of the petitioner dated 09.03.2018 as expeditiously as possible on merits and pass appropriate orders within a period of five weeks' from the date of receipt of a copy of this order after

giving notice to the third respondent.

5. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

Jr1

To

1. The Sub Divisional Magistrate/Revenue Divisional Officer,
Senior Citizen Maintenance and Welfare Tribunal,
Revenue Divisional Office,
Collectorate Campus,
Coimbatore - 641 018.
2. The Sub Divisional Magistrate / Revenue Divisional Officer,
Senior Citizen Maintenance and Welfare Tribunal,
Revenue Divisional Office,
Railway Station Road,
Thudiyalur, Coimbatore - 641 034.

+1cc to Mr.V.Vijaya Kumar, Advocate, S.R.No.24467
+1cc to Mr.Government Pleader, S.R.No.24628

W.P.No.7423 of 2018

CS/24/04/18

सत्यमेव जयते

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