

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.15581 of 2018

S.Pattammal

.. Petitioner

Vs.

The Revenue Divisional Officer cum Presiding Officer,
Tribunal for Maintenance and

Welfare of Parents and Senior Citizens,
Office of Revenue Divisional Officer,
Tambaram, Chennai - 600 045. .. Respondent

Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of Mandamus, directing the
respondent for early hearing and disposal of the petition dated
30.04.2018 and 14.05.2018 in accordance with the provisions
under the Maintenance and Welfare of Parents and Senior Citizens
Act, 2007 to her.

For Petitioner : Mr.M.Sriram
For Respondent : Mrs.K.Bhuvaneswari,
Additional Government Pleader

O R D E R

This Writ Petition has been filed seeking for a Writ of
Mandamus directing the respondent to dispose of the petition
dated 30.04.2018 and 14.05.2018 in accordance with the
provisions under the Maintenance and Welfare of Parents and
Senior Citizens Act, 2007.

2.The learned counsel appearing for the petitioner submitted
that the petitioner is a senior citizen aged about 78 years. The
petitioner had purchased a property measuring an extent of 2
acres 41 cents in Nanjai Survey No.285, Perungalathur Village,
Tambaram Taluk, Kancheepuram District, by a registered Sale Deed
dated 17.04.1972 bearing Document No.2745/1972 on the file of
the Sub Registrar, Tambaram. Without the knowledge of the
petitioner, on 19.09.1981, the petitioner's husband, her son and
two others had entered into a Partition Deed, which was also
registered as Document No.5613/1981 on the file of the Sub
Registrar, Padappai. While entering into partition, the
petitioner's property was also wrongly included and was allotted

to the share of her son Mahavishnu. Patta has also been issued in the name of the petitioner's son based on the Partition Deed.

3. On coming to know of the details, the petitioner, by invoking the provisions of Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Rules, 2009, gave a representation to the District Revenue Officer, Kancheepuram on 05.04.2016. The same was also forwarded to the Tahsildar, Tambaram Taluk, Kancheepuram District, who had conducted enquiry and corrected the revenue records in the name of the petitioner. Even according to the petitioner, the patta stands in her name.

4. The learned counsel appearing for the petitioner submitted that the petitioner is not taken care by her son and hence, under compulsion, she is living with her daughter. As the daughter is looking after her, she has made a provision to bequeath her property in favour of her daughter and presented the document before the Sub Registrar, Tambaram. But the same was refused stating that the property was not in the name of the petitioner as there was a Partition Deed dated 19.09.1981.

5. It is further submitted that based on a petition made to the respondent, the records have been corrected in the name of the petitioner and hence, the petitioner has become the absolute owner of the property.

6. With regard to the refusal by the Registering Authority, the petitioner has made a petition before the District Collector, Kancheepuram on 30.04.2018 to cancel the entry made in favour of her son under the Partition Deed under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act No.56 of 2007). The petition has been forwarded to the respondent by the District Collector, through the District Welfare Officer since the petition has been made under Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

7. The petitioner has also made a separate application on 14.05.2018 to the respondent, who is the Competent Authority/Presiding Officer of the Tribunal for Maintenance and Welfare of Parents and Senior Citizens, Tambaram. As the respondent has not taken any action on the pending petitions, the petitioner has come to this Court by filing this Writ Petition.

8. The learned Additional Government Pleader appearing for the respondent sought sufficient time to dispose of the petitioner's petitions.

9. In the result, the Writ Petition is disposed of with a

direction to the respondent to consider and dispose of the petitioner's petitions and do the needful on merits, within a period of four weeks from the date of receipt of a copy of this order. No costs.

s/d-
Assistant Registrar (CS VI)

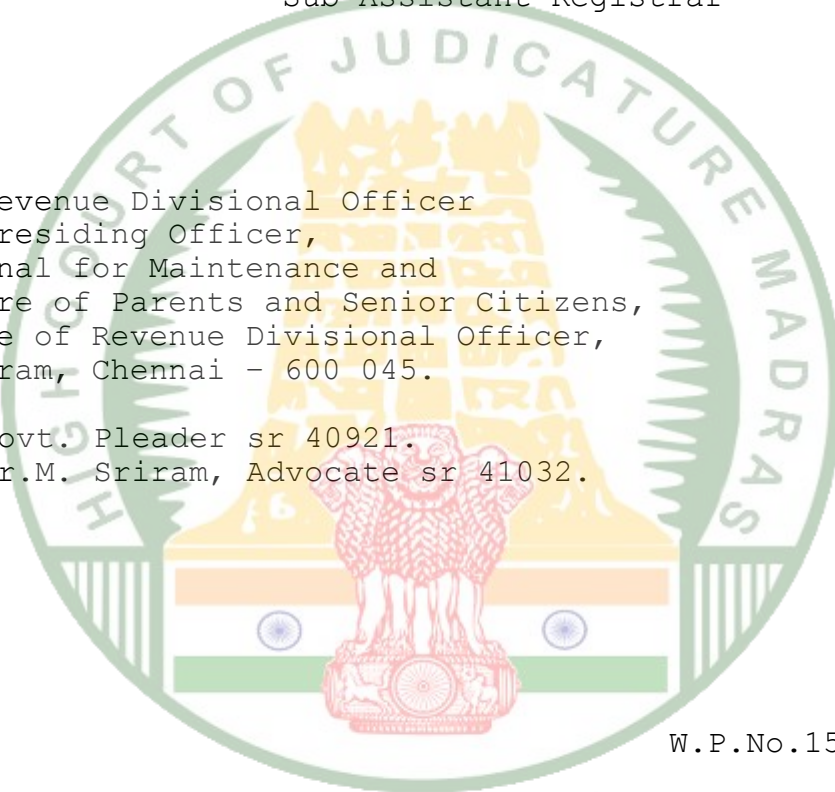
True Copy

Sub-Assistant Registrar

va
To

The Revenue Divisional Officer
cum Presiding Officer,
Tribunal for Maintenance and
Welfare of Parents and Senior Citizens,
Office of Revenue Divisional Officer,
Tambaram, Chennai - 600 045.

+1 CC to Govt. Pleader sr 40921.
+1 CC to Mr.M. Sriram, Advocate sr 41032.



W.P.No.15581 of 2018

SP(02/07/2018)

WEB COPY