

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.17899 of 2018

Janab-Al-Haj M.A.Yakub

... Petitioner

Vs

The District Collector-cum-Appellate Authority (Maintenance and Welfare of Parents and Senior Citizen Act), Collector Office, Thiruvarur.

.... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to consider and dispose of the appeal dated 09.05.2018 filed by the petitioner under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 as against the order passed by the Revenue Divisional Officer-cum-the Maintenance and Welfare of Parents and Senior Citizens Act Tribunal Officer dated 12.04.2018 in Na.Ka.No.1463/2017 A3.

For Petitioner : Mr.D.Rajagopal

For Respondent : Mr.E.Balamurugan,
Special Government Pleader

O R D E R
सत्यमेव जयते

The petitioner, who claims to be an Octogenarian, aged about 80 years, having filed a complaint before the Revenue Divisional Officer, Mannargudi under Section 23 (1) of Maintenance and Welfare of Parents and Senior Citizens Act, to cancel the Settlement Deed, has come to this Court seeking to issue a Writ of Mandamus, directing the respondent to consider and dispose of the appeal dated 09.05.2018 filed by him under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 as against the order passed by the Revenue Divisional Officer-cum-the Maintenance and Welfare of Parents and Senior Citizens Act Tribunal Officer dated 12.04.2018 in Na.Ka.No.1463/2017 A3.

2. Learned Counsel appearing for the petitioner submitted that the petitioner, who is the father of one Janab-Al-Mohamed Alkab, has executed a Settlement Deed dated 24.02.2015 in respect of the property purchased by him and after execution of the Settlement Deed, the said second son deserted him without maintaining him. Aggrieved over the same, the petitioner filed a complaint before the Revenue Divisional Officer, Mannargudi. After enquiry, the Revenue Divisional Officer passed an order rejecting the claim of the petitioner and directed the petitioner's son to pay Rs.10,000/- per month as maintenance. Aggrieved over the same, the petitioner filed an appeal before the District Collector, Thiruvarur, who is the appellate authority. Since the same has not been disposed of, he is before this Court with this Writ Petition.

3. Mr.E.Balamurgan, learned Special Government Pleader, who takes notice for the respondent, sought for considerable time to dispose of the appeal of the petitioner.

4. In view of the limited prayer made in the writ petition and also considering the facts and circumstances of the matter and especially the fact that the petitioner is aged about 80 years, the respondent herein, namely, The District Collector-cum-Appellate Authority (Maintenance and Welfare of Parents and Senior Citizen Act), Collector Office, Thiruvarur, is hereby directed to consider and dispose of the pending appeal preferred by the petitioner, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this Order.

5. The Writ Petition is disposed of accordingly. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

tsi

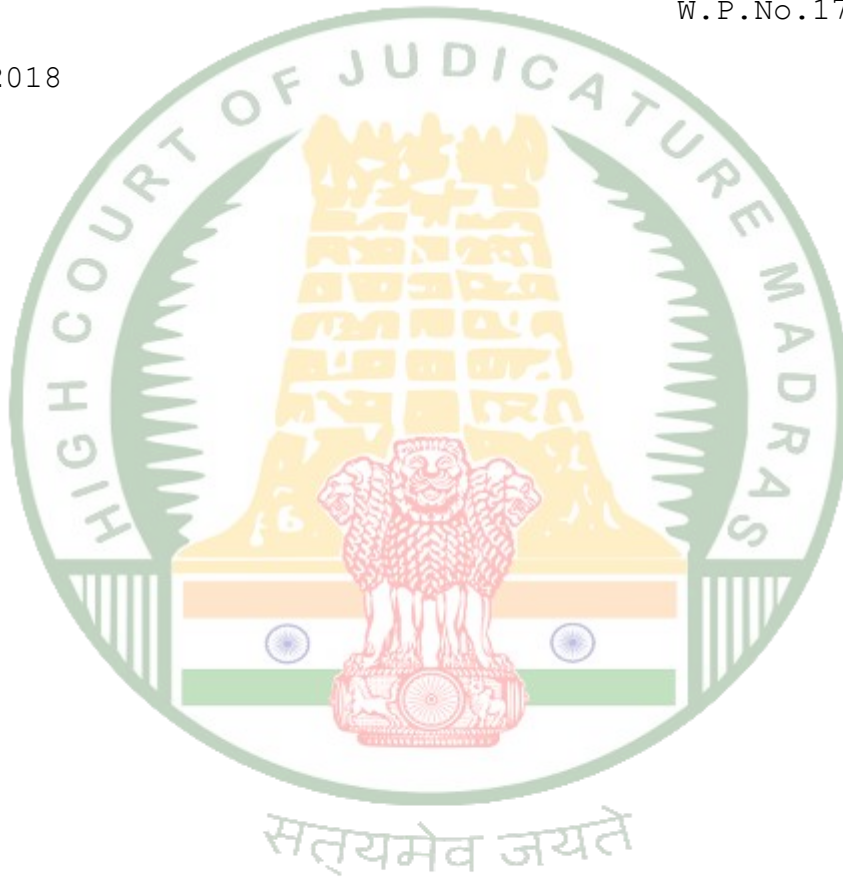
To

The District Collector-cum-
Appellate Authority (Maintenance and
Welfare of Parents and Senior Citizen
Act), Collector Office,
Thiruvavarur.

+1cc to Mr.D.Rajagopal, Advocate sr.no.46969
+1cc to Government Pleader sr.no.47530

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