



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2018

CORAM

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.14308 of 2018

Kala

..Petitioner

Vs

1.The Revenue Divisional Officer,
Lalkudi,
Trichy District.

2.The Inspector of Police,
Manachanallur Police Station,
Trichy District.

3.Rajaram @ Rajesh

.. Respondents

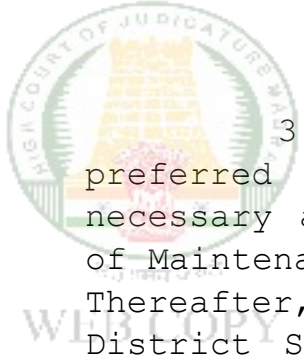
Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the second respondent to comply the order passed by the first respondent in his proceedings No. ~~MD~~ 1-614-2018 dated 05.04.2018 under Maintenance and Welfare of Parents and Senior Citizens Act, 2007 by considering her representation dated 23.04.2018 within the period that may be stipulated by this Court.

For Petitioner	: Mr.R.Gandhi
For R1 & R2	: Mr.M.Karuppasamy Government Advocate
For R3	: Mr.A.Vadivel

ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the second respondent to comply with the order passed by the first respondent in his proceedings No. ~~MD~~ 1-614-2018 dated 05.04.2018 under Maintenance and Welfare of Parents and Senior Citizens Act, 2007, by considering her representation dated 23.04.2018 within the period that may be stipulated by this Court.

2.By consent of both parties, this Writ Petition is taken up for disposal at the admission stage itself.



3. According to the petitioner, the writ petitioner has preferred a petition before the first respondent for taking necessary action against the third respondent under the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Thereafter, the first respondent has forwarded the same to the District Social Welfare Officer, Tirunelveli for enquiry. After completing the enquiry, the District Social Welfare Officer, Thiruchirappalli has submitted a report to the first respondent. Thereafter, first respondent has passed an order in favour of the petitioner and directed the second respondent to evict the third respondent and hand over custody of the house to her within a period of 30 days. In this regard, the petitioner has made a representation on 23.04.2018 before the second respondent, but so far, no action has been taken. Therefore, the petitioner is present before this Court.

4. Mr. A. Vadivel, learned counsel appearing for the third respondent accepts notice and submits that the third respondent has preferred an appeal before the District Collector, Trichy. Since the appeal is pending before the District Collector, Trichy, the prayer sought for in this writ petition cannot be entertained.

5. The learned counsel appearing for the petitioner would submit that since no notice has been served to the respondent, the petitioner undertakes to co-operate for the disposal of the appeal within a time frame that may be fixed by this Court. The third respondent would also submit that the third respondent is also willing to co-operate for the earlier disposal of the appeal.

6. Taking note of the aforesaid submissions of both parties and the appeal is pending before the District Collector, Trichy, this Court is not inclined to entertain the present writ petition and accordingly, the same is liable to be dismissed. However, the District Collector/Appellate Authority is directed to dispose of the Appeal No. 11334 of 2018 as expeditiously as possible, preferably, within a period of four months from the date of receipt of a copy of this order, after issuing notice to the petitioner and also after providing an opportunity of hearing to the parties concerned. No costs.

Sd/-

Assistant Registrar (AE)

/True Copy/



To

1. The District Collector,
Tiruchirappalli.

2. The Revenue Divisional Officer,
Lalkudi,
Trichy District.

3. The Inspector of Police,
Manachanallur Police Station,
Trichy District.

+1 CC to Mr.R.GANDHI, Advocate in SR.No.71743

+1 CC to the Special Government Pleader, SR.No.71980

+1 CC to Mr.A.VADIVEL, Advocate in SR.No.71637

RMI

RJ/RP/SAR-3/24/07/2018 - 3P/7C

W.P. (MD) No.14308 of 2018

06.07.2018