

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.07.2019

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.23595 of 2017

S.Chinathyammal ... Petitioner

Vs

1.The District Collector,
Chennai District,
Chennai.

2.S.Dhanalakshmi

3.S.Kavitha

4.S.Yogaraj

.... Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus to direct the first respondent to take necessary action as per Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act with Rules 2007 and pursuant to the petitioner's representation dated 04.08.2017.

For Petitioner : Mr.K.Thenrajan

For Respondents : Mr.D.Suriyanarayanan
Additional Government Pleader for R1

Mr.R.Bhagawat Krishna for R2 to R4

* * *

ORDER

The prayer in the Writ Petition is to issue a Writ of Mandamus, directing the first respondent to take necessary action as per Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act with Rules 2007 (for brevity "the Act"), pursuant to the petitioner's representation dated 04.08.2017.

2. The petitioner is the mother-in-law of the second respondent. The petitioner is an allottee of the property at Door No.148, Jeeva Nagar, 8th Cross Street, Korukupet,

Chennai-21. The petitioner would allege that in the year 2007, when her son Soundara Pandiyan was suffering from illness, she was taken to the Registrar Office by the second respondent under the guise of executing a mortgage deed, but in fact, she got signatures in the Power of Attorney. It is further alleged that the second respondent by using the said Power of Attorney has executed a sale deed in favour of her children, the respondents 3 and 4. Aggrieved over the action, the petitioner gave a representation to the first respondent on 04.08.2017 to get back the property under Section 23 of the Act. Since it was not considered, the present Writ Petition.

3. Mr.D.Suriyanarayanan, learned Additional Government Advocate for the first respondent would submit that the first respondent has now forwarded the representation of the petitioner to the District Revenue Officer for enquiry and after the enquiry report, the first respondent would pass appropriate orders in accordance with law.

4. Mr.K.Thenrajan, learned counsel for the petitioner would submit that it would suffice, if a suitable direction is issued to the first respondent to pass orders as expeditiously as possible.

5. Mr.R.Bhagawat Krishna, learned counsel for the respondents 2 to 4 would submit that the present Writ Petition has been filed suppressing the material facts and they are ready to canvass their case before the first respondent.

6. In the light of the limited scope of prayer sought for in this writ petition and the submissions of the learned counsel on either side, this Court without going into the merits of the case, directs the first respondent to pass final orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that the petitioner and the respondents 2 to 4 shall be given ample opportunity to put-forth their case in the enquiry proposed to be conducted by the District Revenue Officer.

7. With the above direction, this writ petition is disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS)

r n s
To

The District Collector,
Chennai District,
Chennai.

+1 cc to Government Pleader Sr.No. 63349

W.P.No.23595 of 2017

A.SK(27/08/2019)



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