

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2019

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 32449 of 2019
and
W.M.P. No. 32768 of 2019

Kannammal

... Petitioner

Vs.

1. The District Collector
Villupuram
Villupuram District.
2. The Sub Collector
Thindivanam
Villupuram District.
3. The Revenue Divisional Officer
Chenji
Villupuram District.
4. Rani
5. Suba @ Subalakshmi
6. Kumutha @ Kumudhavalli
7. Devaki
8. Vasantha Kumar

... Respondents

Petition filed under Article 226 of the Constitution of India, for issue of Writ of Certiorarified Mandamus calling for the records from the Second Respondent relating to his proceeding Na.Ka. A3/1228/2019 dated 09.07.2019 and quash the same and consequently, cancelled the settlement deed executed by the Petitioner in favour of the Fifth and Sixth Respondents through the settlement deed Doc. No. 527 of 2013 on the file of SRO, Valatti under the Maintenance and Welfare of Parents and Senior Citizen Act.

For Petitioner : Mr. D. Magesh
For Respondents: Mr. R. Venkatesh (For R1 to R3)
Government Advocate

O R D E R

The Petitioner, who is a senior citizen, had made an application before the Second Respondent under Section 23 of the

Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as 'the Act' for short) for cancellation of the Settlement-Deed dated 21.08.2003 registered as Document No. 527 of 2003 in the office of the Sub-Registrar, Valatti that had been executed by her in favour of the Fifth and Sixth Respondents, but instead of granting that relief sought, the Second Respondent awarded maintenance to the Petitioner under Section 5 of the Act. Aggrieved thereby, the Petitioner has filed this Writ Petition contending that the Second Respondent ought to have cancelled the Settlement Deed as sought instead awarding maintenance, which had not been claimed by her.

2. When it was pointed out that the Petitioner has an effective alternative remedy under Section 16 of the Act before the First Respondent for seeking the relief claimed in this Writ Petition, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to resort to the same. He has also made an endorsement to that effect, which is recorded.

3. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

may a

To

1. The District Collector
Villupuram
Villupuram District.
2. The Sub Collector
Thindivanam
Villupuram District.
3. The Revenue Divisional Officer
Chenji, Villupuram District.

+lcc to Mr.D.Magesh, Advocate, S.R.No. 96442
+lcc to the Government Pleader, S.R.No. 97098

W.P. No. 32449 of 2019

GJ(CO)
GN(03/01/2020)