

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.33763 of 2018

M.Ganesan

...Petitioner

Vs.

1. The Collector of Chennai,
Chennai Collectorate,
Chennai-600001.
 2. The Sub-Collector,
Revenue Divisional Officer,
Presiding Officer,
Tribunal for Maintenance and Welfare of Senior Citizens,
Central Chennai Division,
Anna Nagar Western Extension,
Chennai-600101.
- ...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the second respondent to consider the application of the petitioner dated 01.10.2018 as well as the application submitted by the petitioner dated 19.11.2018 in terms of Rule 3 of the Tamil Nadu maintenance and welfare of parents and senior citizens Rule, 2009, expeditiously in consideration of the plight of considerably aged petitioner within stipulated time to be framed by this Hon'ble Court.

For Petitioner : Mr.R.Tholgappian

For Respondents: Mr.R.Govindasamy
Special Government Pleader

ORDER

The petitioner seeks for a mandamus directing the second respondent to consider the application of the petitioner dated 01.10.2018 as well as the application submitted by the petitioner dated 19.11.2018 in terms of Rule 3 of the Tamil Nadu maintenance and welfare of parents and senior citizens Rule, 2009, expeditiously in consideration of the plight of considerably aged petitioner within stipulated time to be framed by this Hon'ble Court.

2. The case is of the petitioner is as follows:

The petitioner, aged about 83 years old, after the demise of his wife Kanniammal, executed a Settlement Deed dated 30.05.2005 in respect of her house property bearing Old No.6, New No.2 situated at Gopal Street, Vadapalani, Chennai 26, a plot to an extent of 800 sq.ft. consisting of three shops, with the right of getting monthly rental income, in favour of his son, under pressure and coercion exerted by his son, whereby, it was also made clear that any mutation in the revenue records should be done only after the life of the Settlor. Hence, the petitioner is the owner of the property. Further, the petitioner also executed a Gift deed dated 05.06.2007 in favour of his in respect of the land belonged to the deceased Kanniammal measuring an extent of 4,800 sq.ft. According to him, his son has no right to receive the rent from the tenants during his life span on the basis of the above deeds and his daughter in law has no right to take away 25 sovereign jewels of his wife. Hence, he made an application dated 01.10.2018 seeking to revoke the settlement deed and to get the monthly rent in his account directly and also application dated 19.11.2018 under Rule 3 of the Tamil Nadu maintenance and welfare of parents and senior citizens Rule, 2009, seeking maintenance from his son. Since the same has not been considered by the respondents, the present writ petition is filed.

3. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner, as it is for the second respondent to consider and decide the same on merits and in accordance with law. Accordingly, this writ petition is disposed of, by directing the second respondent to consider the applications of the petitioner dated 01.10.2018 and 19.11.2018 and pass orders on the same on merits and in accordance with law, after giving due opportunity to all the parties. Such exercise shall be done by the second respondent within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

vri/sni

To

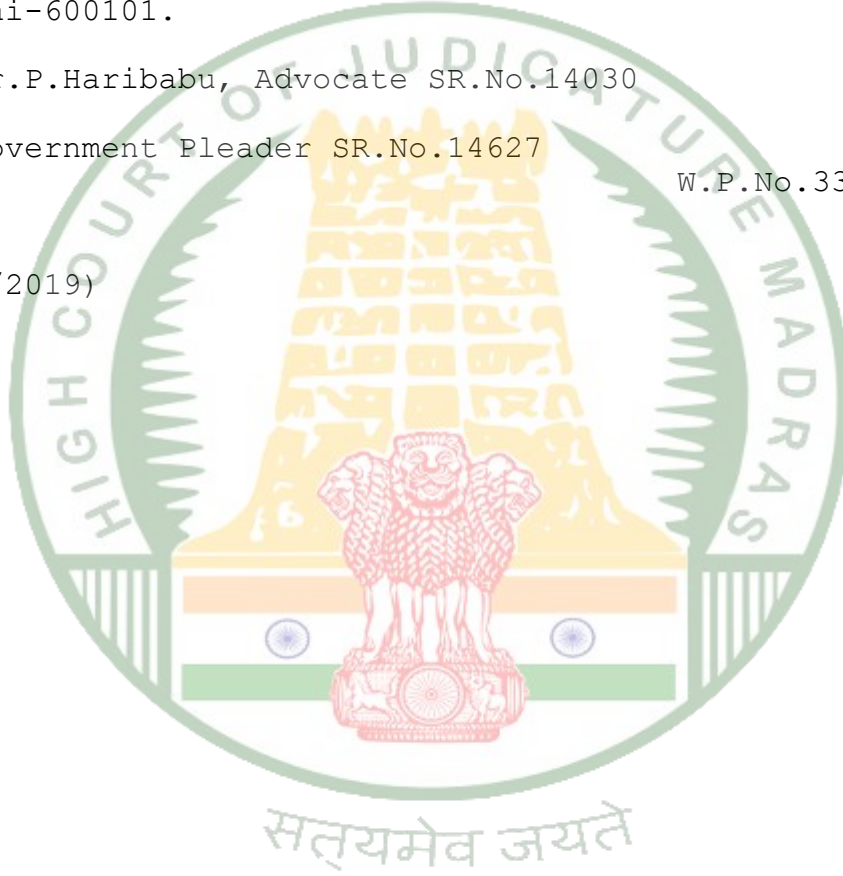
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Chennai-600101.

+1cc to Mr.P.Haribabu, Advocate SR.No.14030

+1cc to Government Pleader SR.No.14627

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SSI (CO)
GMY (11/03/2019)



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