



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2019

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.17239 of 2019

WEB COPY

Wilson

... Petitioner

-Vs-

1.The Revenue Divisional Officer,
Padmanabhapuram Division,
Kanyakumari District.

2.V.Angelin Usha

... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the 1st respondent to declare the Settlement Deed executed by the petitioner in favour of the 2nd respondent vide the Document No.3368 of 2015 dated 10/12/2015 U/S. 23 of Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

For Petitioner : Mr.C.Mayilvahana Rajendran
For Respondents : Mr.B.Bhagawathy, G.A. For R1

ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the 1st respondent to declare the Settlement Deed executed by the petitioner in favour of the 2nd respondent vide the Document No.3368 of 2015 dated 10/12/2015 U/S. 23 of Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

2.Heard Mr.C.Mayilvahana Rajendran, learned counsel appearing for the petitioner and Mr.B.Bhagawathy, learned Government Advocate appearing for the 1st respondent. Since no adverse order is going to be passed against the 2nd respondent, notice to her is dispensed with.

3.With the consent of both sides, this writ petition is disposed of at the admission stage itself.

4.The petitioner seems to have executed a settlement deed in favour of the 2nd respondent, who is the daughter of the petitioner, on 10.12.2015 on the belief that, she will look after the petitioner at his advanced age. However, after getting the settlement deed, it seems that the 2nd respondent started showing her colour and therefore, invoking the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, especially, Section 23, the



petitioner had given a representation to the 1st respondent on 16.02.2019 to have an enquiry and to cancel the said settlement deed dated 10.12.2015 made in favour of the 2nd respondent and restore the property to the petitioner. The said petition is pending before the 1st respondent and therefore, in order to dispose of the same, the petitioner sought for the prayer as has been prayed herein in this writ petition.

5.I have heard the learned Government Advocate appearing for the 1st respondent, who would submit that, the said representation submitted by the petitioner dated 16.02.2019 would be decided on merits, after hearing the petitioner as well as the 2nd respondent, within a time frame.

6.Having regard to the said submissions made by both sides, this Court is inclined to dispose of this writ petition with the following direction:

"The 1st respondent is hereby directed to consider the representation of the petitioner dated 16.02.2019 and decide the same and pass orders thereon, after hearing both the petitioner as well as the 2nd respondent, by giving separate notices to them by way of giving opportunity of being heard and such final order shall be passed, within a period of six weeks from the date of receipt of a copy of this order."

7.With this direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

Arul

To
The Revenue Divisional Officer,
Padmanabhapuram Division,
Kanyakumari District.

+1 CC to Mr.C.MAYIL VAHANA RAJENDRAN, Advocate (SR-79874[F] dated 06/08/2019)

+1 CC to SPL GP (SR-80295[F] dated 07/08/2019)

Order made in
W.P.(MD)No.17239 of 2019
Dated: 06.08.2019

MK (19.12.2019) 2P 4C

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