



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2019

CORAM:

THE HONOURABLE **MR.JUSTICE M.SUNDAR**

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W.P (MD) No.21435 of 2019

V.Chokkalingam

... Petitioner

/Vs./

1.The Appellate Tribunal/District Collector/
District Magistrate,
Theni District. Theni.

2.The Tribunal/Sub Collector/
Revenue Divisional Officer,
Uthamapalayam, Theni District.

3.Arivanandham

4.Seenivasan

5.Jeeva

6.Nandha Gopal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to dispose the petitioner's appeal dated 27.07.2019 filed under Section 16 of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 on the basis of the time limit stipulated under Section 16 (6) of Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

For Petitioner

: Mr.V.Thirumal

For Respondents

: Mr.M.Pandiarajan (for R1 & R2)

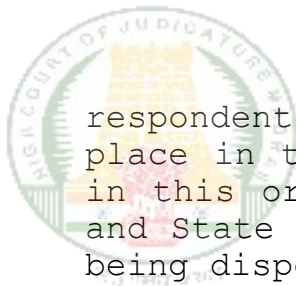
Additional Government Pleader

ORDER

Mr.V.Thirumal, learned counsel on record for writ petitioner is before this Court.

2. Mr.M.Pandiarajan, learned Additional Government Pleader, accepts notice on behalf of respondents 1 and 2 (official respondents).

3. From the case file and submissions made in Court, it comes to light that this writ petition can be disposed of by passing an order which is not adverse to rights of respondents 3 to 6 (private



respondents). Be that as it may a safety valve is also being put in place in this regard and the same shall be set out infra elsewhere in this order. With consent of learned counsel for writ petitioner and State Counsel, main writ petition is taken up, heard out and is being disposed of.

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4. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's statutory appeal filed under Section 16 of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 on 27.07.2019, wherein the petitioner has sought to set aside the order dated 01.07.2019 in O.P.No.5 of 2019 (Na.Ka.No.1952/2019/A2) passed by the Tribunal-cum-Sub-Collector-cum-Revenue Divisional Officer, Uthamapalayam, Theni District and consequently, to cancel the settlement deed dated 15.04.2014 in Document No.1624/2014 registered before the Sub Registrar, Cumbum, Theni District.

5. Notwithstanding several averments made in the affidavit filed in support of the writ petition, notwithstanding several grounds raised / contentions urged in the affidavit filed in support of instant writ petition, learned counsel for writ petitioner abridges the scope of the writ petition and submits that it will suffice if the first respondent is directed to dispose of the aforementioned appeal of the writ petitioner, dated 27.07.2019 (page Nos.37 to 43 of the typed set of papers forming part of the case file) on its own merits and in accordance with law.

6. The aforesaid appeal dated 27.07.2019 shall be disposed of by the first respondent on its own merits and in accordance with law time lines prescribed in the statute, if not already disposed of. Respondents 3 to 6 herein who are private respondents in the appeal shall be put on notice and given a reasonable opportunity by first respondent. To be noted, this is the safety valve alluded to supra.

7. Though obvious, it is made clear that this Court has not expressed any opinion or view on the merits of the matter.

8. The order of disposal of appeal shall be communicated by the office of the first respondent to the writ petitioner and respondents 3 to 6 under due acknowledgement within seven(7) working days from the completion of aforesaid exercise.

9. Instant Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CS-III)

/TRUE COPY/

Sub Assistant Registrar



1.The Appellate Tribunal/District Collector/
District Magistrate,
Theni District. Theni.

2.The Tribunal/Sub Collector/
Revenue Divisional Officer,
Uthamapalayam, Theni District.

+1 CC to M/s.V.THIRUMAL, Advocate (SR-91739[F] dated 14/10/2019)

+1 CC to M/s.GP (SR-91930[F] dated 15/10/2019)

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JM/25.10.2019/3P/5C