



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.12.2019**

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.26547 of 2019

Mr.K.Subbiah

... Petitioner

Vs.

1.The District Collector,
Dindigul District,Dindigul.

2.The Sub Collector/
Revenue Divisional Officer,
Revenue Divisional Office,
Palani,Dindigul District.

3. The Protection Officer,
District Social Welfare Office,
Dindigul District.

4. Mr.Krishnan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to dispose of the petitioner's complaint pending on the file of the second respondent in Na.Ka.No.5678/19/A7 dated 30.09.2019 under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, within the time frame that may be stipulated by this Court.

For Petitioner : Mr.M.Sasi

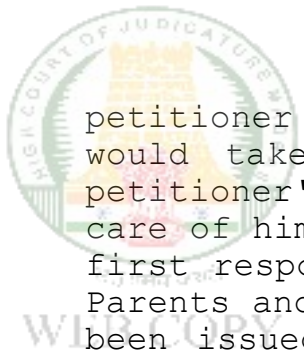
For Respondents : Mrs.J.Padmavathi Devi
Special Government Pleader

ORDER

Heard Mr.M.Sasi, learned counsel appearing for the petitioner and Mrs.J.Padmavathi Devi, learned Special Government Pleader appearing for the respondents.

2.This writ petition has been filed seeking for a direction to the second respondent to dispose of the petitioner's complaint pending on the file of the second respondent in Na.Ka.No.5678/19/A7 dated 30.09.2019 under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

3.According to the petitioner, the petitioner had married one Tmt.Palaniammal in the year 1965 and later, she died in the year 1985 leaving her six children. After the death of the petitioner's first wife, the petitioner married one Podumani, as a second wife in the year 1987 and through this second wife, a child was born viz., Krishnan, who is the fourth respondent herein. While so, the petitioner has acquired some ancestral properties by way of registered partition deed on 17.04.1980. The fourth respondent herein has filed a suit in O.S.No.21 of 2019 for partition against the petitioner before the Principal Subordinate Court, Vedasanthur. Thereafter, on believing the words of the fourth respondent, the



petitioner has given his properties to the fourth respondent, as he would take care of the petitioner. After registration of the petitioner's properties, the fourth respondent has refused to take care of him. Therefore, the petitioner lodged a complaint before the first respondent on 23.09.2019 under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Pursuant to which, notice has been issued by the second respondent directing all the parties to appear for enquiry on 30.09.2019. The petitioner has attended the enquiry and after recording the statements of both parties, the petitioner was informed that further notice will be sent to him. Since no notice was received by the petitioner till date, the present writ petition has been filed for the aforesaid relief.

4.The learned Government Advocate states that the official respondents will consider the claim of the petitioner in accordance with law and dispose of the same within the time stipulated by this Court.

5.In such view of the matter, without going into the merits of the petitioner's claim, the second respondent is directed to dispose of the complaint of the petitioner dated 30.09.2019, on merits and in accordance with law, as expeditiously as possible, preferably within a period of three weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

- 1.The District Collector,
Dindigul District,Dindigul.
- 2.The Sub Collector/
Revenue Divisional Officer,
Revenue Divisional Office,
Palani,Dindigul District.
- 3.The Protection Officer,
District Social Welfare Office,
Dindigul District.

+1 CC to M/s.M/S.M.SASI, Advocate (SR-105176[F] dated 16/12/2019)
+1 CC to M/s.SPL GP (SR-105107[F] dated 16/12/2019)

W.P (MD)No.26547 of 2019

SMA/07/01/2020/2P/6C