

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.02.2020

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.3713 of 2020

Mary Richard

.. Petitioner

..Vs..

1. The District Collector,
Tiruvallur District,
Collectorate Building,
Tiruvallur.
2. The District Social Welfare Officer,
Office of District Social Welfare,
Tiruvallur District,
Tiruvallur.
3. The Revenue Divisional Officer,
Ambattur Revenue Division,
Tiruvallur District.
4. The Sub-Registrar,
Ambattur,
Chennai - 600 053.
5. R.Martin Prince Mathew

..Respondents

PRAYER :

Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd respondent to dispose of the petitioner's petition dated 19.12.2019 filed under the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, and pass order of cancellation of settlement deed dated 06.04.2017 in doc.no.3918 of 2017 in the office of the 4th respondent Sub-Registrar, Ambattur.

For Petitioner : Mr.S.Pushpakaran

For Respondents : Mr.R.A.S.Senthilvel, (for R1 to R3)
Additional Government Pleader
Mr.T.M.Pappaiah, (for R4)
Special Government Pleader

O R D E R

By consent of both sides, the orders are passed in the writ petition.

2. The petitioner is aged about 62 years. She and her husband namely Richard had purchased a property at Mugapper from their own savings and income from private employment in the year 2000. That property was sold and out of the sale consideration, a flat at Ayapakkam was also purchased in the name of the petitioner and her son Martin Prince who is shown as 5th respondent.

3. It is stated that the 5th respondent got married on 25.05.2016. Out of love and affection, the petitioner had executed a settlement deed in Document No.3918 of 2017 in favour of the 5th respondent with respect to her share, registered in the 4th respondent office. It is stated that however, the 5th respondent had changed his attitude and behaving rudely with the petitioner and her husband and not caring them. The petitioner claimed that due to advance age, she and her husband have been affected with diseases such as Diabetics and Blood Pressure.

4. In this connection, she has given a complaint to the 1st respondent on 19.12.2019 under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act. This petition had been forwarded to the 3rd respondent namely the Revenue Divisional Officer, Ambattur Revenue Division, Tiruvallur District.

5. This writ petition has been filed for a mandamus seeking direction to the 3rd respondent to dispose of the said petition.

6. Heard Mr.S.Pushpakaran, learned counsel for the petitioner and Mr.R.A.S.Senthilvel, Additional Government Pleader for R1 to R3 and Mr.T.M.Pappiah, learned Special Government Pleader for R4.

7. Considering the facts and circumstances of the case, a mandamus is issued to the 3rd respondent to follow the rules provided under the Maintenance and Welfare of Parents and Senior Citizens Act and issue notice to the petitioner and also to the 5th respondent, record their statements and conduct an enquiry in accordance with rules and thereafter, pass orders on the petition filed by the petitioner. At any rate, the 3rd respondent must complete the entire procedure on or before 31.03.2020. Further, the petitioner and the 5th respondent both

are directed to participate in the enquiry and should not take unnecessary adjournments during the course of enquiry.

8. With the above observation, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vum

To

1. The District Collector,
Tiruvallur District,
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Tiruvallur.
2. The District Social Welfare Officer,
Office of District Social Welfare,
Tiruvallur District,
Tiruvallur.
3. The Revenue Divisional Officer,
Ambattur Revenue Division,
Tiruvallur District.
4. The Sub-Registrar,
Ambattur,
Chennai - 600 053.

+1cc to Mr.S.Pushpakaran, Advocate, S.R.No.13454

सत्यमेव जयते

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MG (CO)
CS/20/02/2020

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