

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.12.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.NO.18902 OF 2020
(HEARD THROUGH VC)

D.Alamelu Ammal

.. Petitioner

-vs-

1. The District Collector,
The Office of the District Collector,
Namakkal, Namakkal District.
2. The Sub Registrar,
Office of the Sub Registrar,
Gandhipuram, Coimbatore District.
3. T.Bharanidharan
4. T.Karthik

.. Respondents

Prayer:

Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the first respondent herein to consider the petitioner's appeal dated 25.11.2019 and take action under Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

For Petitioner : Mr.M.Ganesh

For RR1 and 2 : Mr.R.S.Selvam
Government Advocate

ORDER

The writ petition has been filed seeking a direction to the first respondent herein to consider the petitioner's appeal dated 25.11.2019 and take action under Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

2. Heard the learned counsel appearing on both sides and perused the materials placed before this Court.

3. The petitioner has executed a registered settlement deed dated 29.09.2016 in favour of her grandsons, who are the sons of her elder son. After the demise of his elder son, her daughter-in-law and grandsons were not taking care of the petitioner as promised. Hence the petitioner made an application under Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 to the District Social Welfare Officer, Namakkal to cancel the settlement deed dated 29.09.2016 and the same was pending. After several representations to the concerned authorities, the petitioner has filed a Writ Petition in W.P.No.31069 of 2019, which was disposed on 06.11.2019. Aggrieved by the said order, an appeal has been filed by the petitioner before the first respondent under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 on 25.11.2019 to cancel the settlement deed dated 29.09.2016. The same is still pending with the first respondent.

4. Section 16(6) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 specifically mandates the Appellate Tribunal to pronounce its order in writing within one month of the receipt of an appeal. In this case, it is more than a year since the appeal has been filed and the same is still pending.

5. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the first respondent to dispose of the appeal preferred by the petitioner dated 25.11.2019, enquire into the same and pass appropriate orders on merits and in accordance with law, more particularly, in adherence to Section 16(6) of the Act, after issuing notice to the petitioner as well as the third and fourth respondents and by affording them an opportunity of personal hearing or virtual hearing or otherwise, considering their written objections and after verifying the relevant documents, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rsi

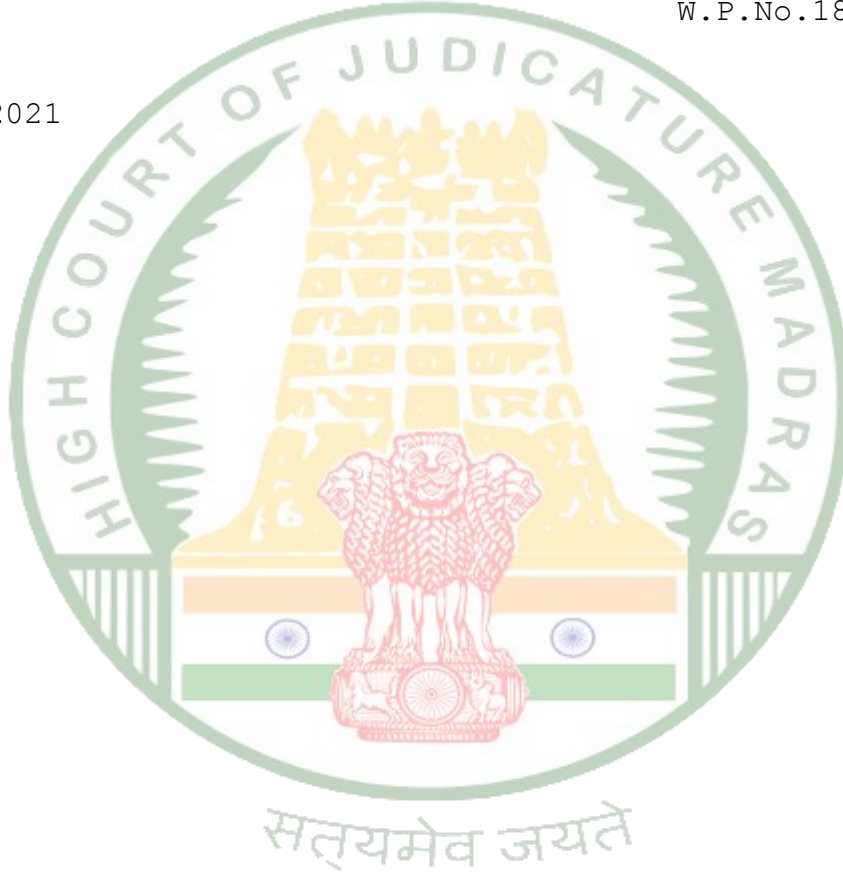
To

1. The District Collector,
The Office of the District Collector,
Namakkal, Namakkal District.
2. The Sub Registrar,
Office of the Sub Registrar,
Gandhipuram, Coimbatore District.

+lcc to the Government Pleader, S.R.No.41405

W.P.No.18902 of 2020

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CS/02/02/2021



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