

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.10474 of 2020

Murugesan

...Petitioner

Vs

1. The District Collector,
Dharmapuri District,
Dharmapuri.
2. The Revenue Divisional Officer,
Dharmapuri District, Dharmapuri.
3. The Tahsildar,
Palacode Taluk,
Dharmapuri District.
4. The Sub Registrar,
Palacode Taluk,
Dharmapuri District.
5. Poovita Sri - Minor,
D/o M.Raja Prakash
6. Nethra Sri Minor,
D/o M.Raja Prakash
Natural Guardian of the Father
5 & 6 are residing at
Hanumanthapuram Village and Post,
Kariyamangalam Taluk,
Dharmapuri District.
7. M.Raja Prakash,
S/o Murugesan,
Hanumanthapuram Village and Post,
Kariyamangalam Taluk,
Dharmapuri District.

.... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 1st and 2nd respondents to consider the petitioner's representation dated 27.01.2020 under Sections 4 and 5 of the Maintenance and

Welfare of Parents and Senior Citizens Act, 2007 within a fixed time frame.

For Petitioner : Mr.M.Selvam
For Respondents : Mr.M.D.Ilayaraja
Government Advocate for R1 to R3
Mr.T.M.Pappiah,
Special Government Pleader for R4

O R D E R

This matter is taken up for hearing through Video Conferencing mode.

2. Heard the learned counsel for the petitioner, Mr.M.D.Ilayaraja, learned Government Pleader appearing for respondents 1 to 3 and Mr.T.M.Pappiah, learned Special Government Pleader appearing for the 4th respondents. Though private notice was served on the 7th respondent who is the father of 5th and 6th respondents, who are minors, the 7th respondent is not appearing through counsel or in person. His name is printed in the cause list.

3. The petitioner seeks for a direction to the 1st and 2nd respondents to consider his representation dated 27.01.2020 filed under Sections 4 and 5 of Maintenance and Welfare of Parents and Senior Citizens Act, 2007, and pass orders on the same.

4. The case of the petitioner in short is as follows:

The 7th respondent is his son. The respondents 5 and 6 are the grand daughters born through the 7th respondent. He executed a sale deed on 15.07.2011, out of love and affection, in favour of the 5th and 6th respondents and however, after execution of such settlement deed, the 7th respondent is not taking care of the petitioner, who is now 72 years old. Therefore, the Settlement Deed executed by him is to be cancelled by exercising the power under the above said Act. Ventilating such grievance, the petitioner made a representation before the 1st respondent on 27.01.2020.

5. This Court is not expressing any view on the merits of the claim made by the petitioner, as it is for the competent authority, namely, the 2nd respondent, to consider and decide. However, as the petitioner has not made any representation before the 2nd respondent and the representation dated 27.01.2020 was made only before the 1st respondent, this Writ Petition is disposed of as follows:

(a) The petitioner is at liberty to give a representation before the 2nd respondent under the Maintenance and Welfare of

Parents and Senior Citizens Act, 2007, within a period of two weeks from the date of receipt of a copy of this order.

(b) On receipt of such representation, the 2nd respondent shall issue notice to the petitioner and the respondents 5 to 7 herein and conduct due enquiry and thereafter, pass an order on merits and in accordance with law within a period of eight weeks thereafter.

(c) It is made clear that this Court is not expressing any view on the merits of the claim made by the petitioner, as it is for the 2nd respondent to consider and decide.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Dharmapuri District,
Dharmapuri.
2. The Revenue Divisional Officer,
Dharmapuri District, Dharmapuri.
3. The Tahsildar,
Palacode Taluk, Dharmapuri District.
4. The Sub Registrar,
Palacode Taluk,
Dharmapuri District.

+1cc to the Government Pleader in Sr.30760

सत्यमेव जयते

W.P.No.10474 of 2020

pvs (co)
rv (28/9/2020)

WEB COPY