

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2020

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.15732 of 2020

&

W.M.P.No.19563 of 2020

(Heard through VC)

Shanthamani

.. Petitioner

Vs.

1. The Revenue Divisional Officer,  
Erode Revenue Division,  
Erode - 638 001.

2. Palaniammal

3. Vasanthi

.. Respondents

PRAYER: Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent not to conduct enquiry on the basis of the complaint dated 19.11.2019 filed by the second respondent under the provisions of Parents and Senior Citizens (Maintenance and Welfare) Act, 2007 before the first respondent.

For Petitioner : Mr.G.Pavendhan

For Respondent-1 : Mr.K.S.Suresh

Government Advocate

O R D E R

With the consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2. The relief sought for in this writ petition is for a direction to the first respondent not to conduct an enquiry based on the complaint dated 19.11.2019 filed by the second respondent under the provisions of Parents and Senior Citizens (Maintenance and Welfare) Act, 2007 before the first respondent.

3. The second respondent is the mother of the petitioner and the third respondent is the sister of the petitioner. A Civil suit has been filed in O.S.No.280 of 2016 on the file of the Subordinate Court, Erode by the second respondent herein for the reliefs of partition and also cancellation of the release deed, settlement deed and sale deed dated 16.11.2010. Now the second

respondent has once again filed a complaint before the first respondent herein for the same reliefs of cancellation of the release deed and the sale deed. As already the trial was over in the suit and it is posted for arguments, the second respondent has filed this complaint before the first respondent. Hence, the petitioner is seeking the above prayer.

4. It is open to the petitioner to appear before the first respondent setting out all the facts and details and file her counter along with the documents, which are relevant and also raise a question of maintainability.

5. Once the objections are filed by the petitioner herein before the first respondent, the first respondent is directed to deal with the matter on the ground of maintainability and dispose of the complaint dated 19.11.2019 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner, as well as the respondent Nos.2 and 3 herein 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 eight 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. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsi

To

The Revenue Divisional Officer,  
Erode Revenue Division,  
Erode - 638 001.

+1 cc to M/s.G.Pavendhan, Advocate Sr.No. 35973

+1 cc to The Government Pleader, Sr.No. 35973

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SAI (CO)

RMP (09/12/2020)