

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2020

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.15629 of 2020
(Heard through VC)

C.Salammal

..Petitioner

Vs.

1. The District Collector,
Collectorate First Floor,
Tiruvallur - 602 001.

2. Tmt.Loganayagi

...Respondents

PRAYER: Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 1st respondent to dispose of the petitioner's representation dated 04.08.2020.

For Petitioner : Mr.S.Ilamvaludhi

For Respondent-1: Mr.P.V.Selvakumar
Additional Government Pleader

O R D E R

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

2. The writ petition has been filed seeking a direction to the first respondent to dispose of the petitioner's representation dated 04.08.2020.

3. The petitioner is aged about 95 years. The case of the petitioner is that her grand daughter, namely, Loganayagi born to her only daughter had fraudulently obtained the petitioner's left thumb impression in white papers and prepared settlement deed in her favour. Later on, knowing the fact, the petitioner had cancelled the settlement deed and executed the same in favour of her daughter and younger grand daughter. Aggrieved by the same, the said Loganayagi filed suits one after another in O.S.No.377 of 2001 and O.S.No.582 of 2005 for permanent

injunction and declaration. Since, the issue involved in both the suits was common in nature, both the suits were clubbed together, tried jointly and decreed in favour of the said Loganayagi.

4. Challenging the above said Judgment and decree, the petitioner along with her daughter, had preferred an appeal in A.S.No.71 of 2009, which was also dismissed. Thereafter, the petitioner had given representation dated 21.11.2019 to the first respondent seeking action against her granddaughter under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

5. The first respondent, vide its proceedings dated 28.02.2020 directed the petitioner to appear for an enquiry on 06.03.2020. The petitioner also appeared on the same day and gave her written submission. The petitioner has also given another representation on 04.08.2020 to the first respondent, so far, there is no response. Hence, a mandamus is sought for.

6. Heard both sides and perused the materials available on record.

7. 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 consider the representation of the petitioner dated 04.08.2020, enquire into the same and pass appropriate orders including the question of maintainability, on merits and in accordance with law, after issuing notice to the petitioner, as well as the second respondent 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 four weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The District Collector,
Collectorate First Floor,
Tiruvallur - 602 001.

+1cc to M/s.S.Ilamvaludhi, Advocate, S.R.No.35406

+1cc to the Government Pleader, S.R.No.35873

W.P.No.15629 of 2020

LN(CO)
RV(01/12/2020)



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