

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2020

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.15726 of 2020
(Heard through VC)

N.Arumugam

.. Petitioner

Vs.

1. The District Collector,
Chennai District,
No.52, Rajaji Salai,
Chennai - 600 001.

2. The Revenue Divisional Officer,
Central - Chennai, Gandhi Nagar,
Anna Nagar West Ext.,
Chennai - 600 040.

3. A.Prabhu

.. Respondents

PRAYER: Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first Respondent herein to dispose the petitioner's appeal dated 12.01.2020 filed by the petitioner before the 1st respondent as expeditiously.

For Petitioner : Mr.P.Gunaraj

For RR1 and 2 : 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 relief sought for in this writ petition is for a direction to the first Respondent herein to dispose petitioner's appeal dated 12.01.2020 filed by him before the 1st respondent as expeditiously.

3. According to the petitioner, the third respondent herein, who is the son of the petitioner, had neglected to provide basic amenities, daily food and medical expenses to him. Hence, the petitioner had unilaterally cancelled the settlement deed dated 23.05.2013, which was executed by him as a gift settlement deed in favour of his son. In view of the legal issue arose that the above said unilateral cancellation of settlement deed dated 28.04.2014 is not legally valid, the petitioner has filed a petition under Section 23 of the Maintenance and Welfare of Parents and Senior Citizen Act before the second respondent-Revenue Divisional Officer to declare that the settlement deed dated 23.05.2013 is null and void, as it was obtained by coercion and fraud. The second respondent has rejected the same on the ground that the settlement deed had already been cancelled unilaterally. Challenging the said order, the petitioner has filed an appeal before the first respondent-District Collector to set aside the order passed by the R.D.O. and a direction to declare that the settlement deed dated 23.05.2013 is null and void. But the same was not taken up for hearing by the first respondent till date. Hence, this petition.

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

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 petitioner's appeal dated 12.01.2020, enquire into the same and pass appropriate orders on merits and in accordance with law, after issuing notice to the petitioner, as well as the third 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 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.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsi

To

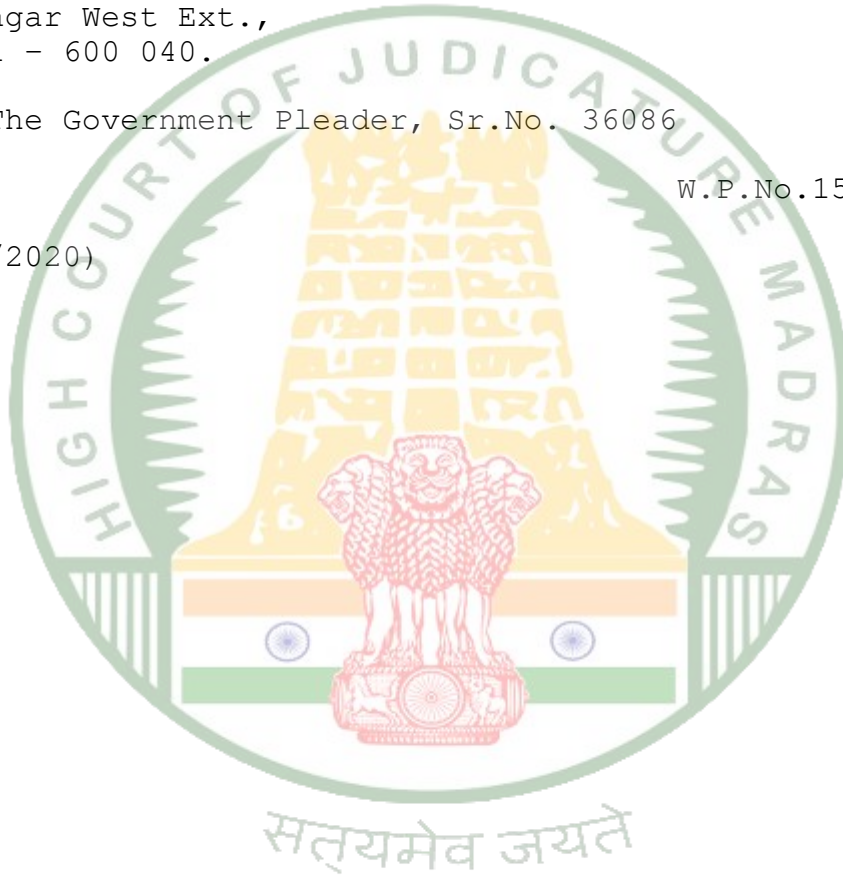
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+1 cc to The Government Pleader, Sr.No. 36086

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AD(CO)
RMP(09/12/2020)



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