

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.12.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.19701 of 2020
(Heard through VC)

A.B.Ram Singh

.. Petitioner

-vs-

1.The District Collector,
Singara Velan Malligai,
Chennai - 600 001.

2.The District Revenue Officer,
Chennai District,
Singara Velan Malligai,
Chennai - 600 001.

3.The Revenue Divisional Officer,
Tondiarpet,
Chennai - 600 081.

4.R.Pushpa

5.R.Balaji Singh

...Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the third respondent herein to dispose of the petitioner's application dated 19.10.2020 in accordance with law and within a stipulated period.

For Petitioner : Mr.A.Thendral

For RR1 to 3 : Mr.V.Shanmugasundar
Special Government Pleader

O R D E R

With the 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 third respondent herein to dispose of the petitioner's application dated 19.10.2020 in accordance with law and within a stipulated period.

3. The petitioner is the absolute owner of the petition mentioned properties. He executed a registered settlement deed dated 26.02.2013 in favour of their sons in respect of some of his property with a condition that the income from the property would be vested with himself and his wife until their life time. Aggrieved by the said settlement deed, his daughter, who is the fourth respondent herein has filed a suit in O.S.No.9307 of 2019 before the City Civil Court, Chennai. Thereafter, it came to know that the fourth and fifth respondents had fraudulently obtained the petitioner's signatures in documents and executed a Gift Settlement Deed in their favour in respect of entire Villupuram District property. They had thrown out the petitioner and his wife from his Perambur house. Hence, the petitioner has filed an application before the third respondent under Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 on 04.06.2020. As there was no progress, once again he sent the application on 19.10.2020 to the third respondent. The same is also still pending.

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

5. The petitioner has made a claim of maintenance under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 with the competent revenue official. The very Act is to provide for effective provisions for the maintenance and welfare of parents and senior citizens guaranteed and recognised under the Constitution and for matters connected therewith or incidental thereto.

6. The application for maintenance is provided for Section 4 and 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

7. It is useful to extract Section 5(2) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, which reads as hereunder:

"5 (2) The Tribunal may, during the pendency of the proceeding regarding monthly allowance for the maintenance under this Section, order such children or relative to make a monthly allowance for the interim maintenance of such senior citizen including parent, as the Tribunal may from time to time direct."

8. Once an application is filed for maintenance under Section 4 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, an enquiry has to be conducted.

9. Section 5(4) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is as follows:-

(4) An application filed under sub-section (2) for the monthly allowance for the maintenance and expenses for proceeding shall be disposed of within ninety days from the date of the service of notice of the application to such person:

Provided that the Tribunal may extend the said period, once for a maximum period of thirty days in exceptional circumstances for reasons to be recorded in writing.

10. As per the above provisions, the Act mandates the authorities to dispose of such application within a period of 90 days from the date of service of notice of such application to such person.

11. 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 third respondent to dispose of the petitioner's application dated 19.10.2020, 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 fourth and fifth respondents 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, on or before 29.01.2021.

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

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

rsi

To

1.The District Collector,
Singara Velan Malligai,
Chennai - 600 001.

2.The District Revenue Officer,
Chennai District,
Singara Velan Malligai,
Chennai - 600 001.

WEB COPY

3.The Revenue Divisional Officer,
Tondiarpet,
Chennai - 600 081.

W.P.No.19701 of 2020

KK (CO)
SP (11/01/2021)



WEB COPY