



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.16618 of 2020
(Through Video Conference)

WEB COPY

R.Sethubai Ammal

... Petitioner

Vs

1) The Revenue Divisional Officer,
O/o the Revenue Divisional Office,
Ramanathapuram,
Ramanathapuram District.

2) R.Moorthy

3) D. Nambeeswari

4) D.Nageshwari

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent No.1 to dispose the petition filed by the petitioner dated 09.09.2020 and cancelled the gift deed dated 09.07.2010 in document No.1144 of 2010 registered at Sub-registrar Office, Rameshwaram and consequently direct the 1st respondent to provide necessary protection to the petitioner under Rule 21 of the Maintenance and Welfare of Parents and Senior Citizens, Rules 2009.

For Petitioner : Mr.T.Thirumurugan

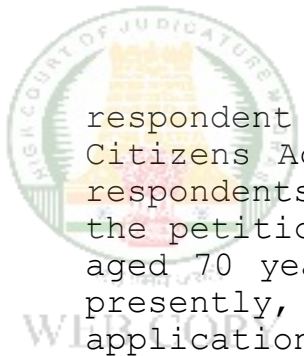
For R-1 : Mr.M.Rajarajan,
Additional Government Pleader

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to consider the petitioner's application filed under Maintenance and Welfare of Parents and Senior Citizens Act 2007 and its Rules, 2009 against the respondents 2 to 4, who are the petitioner's children and pass final orders within time frame to be fixed by this Court.

2. Mr.M.Rajarajan, learned Additional Government Pleader accepts notice for the first respondent. By consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.

3. It is the case of the petitioner that she submitted an application against the respondents 2 to 4 before the first



respondent under the Maintenance and Welfare of Parents and Senior Citizens Act 2007 and its Rules, 2009 to take action against the respondents 2 to 4, as they failed to provide food and shelter to the petitioner. It is the further case of the petitioner that she is aged 70 years and the respondents 2 to 4 have grabbed her land and presently, she is homeless. According to her, till date, her application dated 09.09.2020 has not been considered by the first respondent. In such circumstances, this writ petition has been filed.

4. Heard Mr.T.Thirumurugan, learned counsel for the petitioner and Mr.M.Rajarajan, learned Additional Government Pleader appearing for the first respondent.

5. The relief sought for in this writ petition is an innocuous relief. The petitioner has filed an application under the Maintenance and Welfare of Parents and Senior Citizens Act 2007 and its Rules, 2009 before the first respondent on the ground that the respondents 2 to 4, who are her children have not taken care of her and they failed to provide food and shelter to her. It is also her case that she is aged 70 years and the respondents 2 to 4 have grabbed her land and the petitioner is now in the streets.

6. No prejudice would be caused to the respondents if the relief sought for in this writ petition is granted in favour of the petitioner.

7. For the foregoing reasons, this Court directs the first respondent to consider the petitioner's application dated 09.09.2020 filed under the Maintenance and Welfare of Parents and Senior Citizens Act 2007 and its Rules, 2009 and pass final orders on merits and in accordance with law, after hearing all the necessary parties, including the respondents 2 to 4, within a period of eight weeks from the date of receipt of a copy of this order.

8. With the aforesaid directions, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

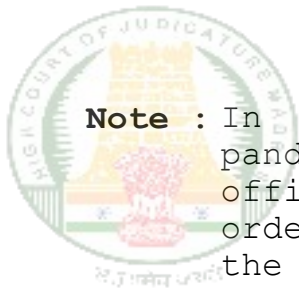
Assistant Registrar (Records)

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/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

WEB COPY

To:

The Revenue Divisional Officer,
O/o the Revenue Divisional Office,
Ramanathapuram,
Ramanathapuram District.

+1 CC to M/s.T.THIRUMURUGAN, Advocate(SR-22916[F] dated 26/11/2020)

+1 CC to M/s.GP (SR-22999[F] dated 26/11/2020)

Order made in
W.P. (MD) No.16618 of 2020

Dated:
24.11.2020

TP (CO)
AP(18/12/2020) 3P 4C