



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.12.2020**

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD) .No.17359 of 2020

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.. Petitioner

Vs.

1. The District Collector,
Tenkasi District, Tenkasi.
2. The Superintendent of Police,
Tirunelveli District, Tirunelveli.
3. The Revenue Divisional Officer,
Tenkasi, Tenkasi District.
4. The Tahsildar,
Alangulam Taluk,
Tenkasi District.
- 5.Selvaraj,
- 6.Arunachalam,
- 7.Ramar,
- 8.Mookkaiah Asari

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to take action on the basis of the representation under Section 23 (1) of Senior Citizen Protection and Maintenance Act, 2007 before the 1st respondent dated 05.10.2020 within stipulated time.

For Petitioner	:	Mr.A.C.Vinayagarajan
For Respondents	:	Mrs.M.Rajeswari
		Government Advocate

ORDER

(This Matter was heard through the Video Conference)

This Writ Petition has been filed for a Mandamus seeking for a direction to the first respondent to take action on the basis of the petitioner's representation dated 05.10.2015, under Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

<https://hcservices.ecourts.gov.in/hcservices/>



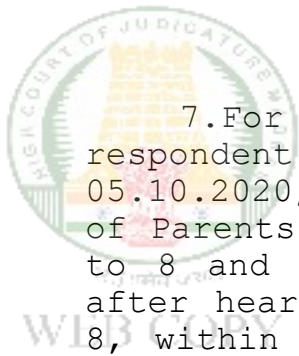
2.Heard Mr.A.C.Vinayagarajan, learned counsel for the petitioner and Mrs.M.Rajeswari, the learned Government Advocate, who accepts notice on behalf of the respondents 1 to 4.

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

4.It is the case of the petitioner that he has nine children including six daughters and three sons. According to him, he is an agriculturist and he has brought up all his children, which includes a differently abled daughter and provided sufficient income for each of them. It is the case of the petitioner that his sons namely Arunachalam and Selvaraj, the fifth and sixth respondents herein, in collusion with one Mookaiah Asari, have attempted to grab his property in S.Nos.236/2H, 236/2F and 224/3B. It is the case of the petitioner that he gave a representation to the second respondent on 19.07.2019, to take action against Mookaiah Asari as well as the petitioner's two sons namely Arunachalam and Selvaraj, the fifth and sixth respondents herein, for grabbing the properties of the petitioner comprised in S.Nos.236/2H, 236/2F and 224/3B. According to the petitioner, the third respondent has passed an order on 10.09.2020 without conducting any enquiry and in the said order the third respondent directed the petitioner to approach the Court for further remedy.

5.It is the case of the petitioner that the earlier representation dated 19.07.2019, was not given by him under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Therefore, as a senior citizen aged 86 years, he submitted an application on 05.10.2020, with the first respondent under Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, for cancellation of the documents, which were illegally registered in favour of his sons and also take action against them. It is the case of the petitioner that till date, the said representation has not been considered by the first respondent. In such circumstances, this writ petition has been filed.

6.The relief sought for in this writ petition is an innocuous relief. The petitioner is aged 86 years. It is his case that two of his sons have colluded with another person and got documents executed in their favour which belongs to the petitioner absolutely. He has filed an application under Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, to cancel the said registered documents and for initiation of legal action against his two sons as well as the other person with whom they have colluded. After giving due consideration to the age of the petitioner, the application will have to be disposed of expeditiously by the first respondent. It is also represented by the learned Government Advocate, appearing for the respondents 1 to 4 that the suit on file No. 17359 of 2020 has already been commenced.



7.For the foregoing reasons, this Court directs the first respondent to consider the petitioner's application dated 05.10.2020, filed under Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, against the respondents 5 to 8 and pass final orders on merits and in accordance with law after hearing the necessary parties including the respondents 5 to 8, within a period of twelve weeks from the date of receipt of a copy of this order.

8.With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Cr1.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TM

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.

To

1. The District Collector,
Tenkasi District, Tenkasi.
2. The Superintendent of Police,
Tirunelveli District, Tirunelveli.
3. The Revenue Divisional Officer,
Tenkasi, Tenkasi District.
4. The Tahsildar,
Alangulam Taluk,
Tenkasi District.

+1 CC to the SPL GP (SR-24105[F] dated 04/12/2020)

W.P (MD) .No.17359 of 2020
02.12.2020

PM(CO)
CS(11.12.2020) 3P 6C