



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.12.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.18140 of 2020

(Through the Video Conferencing)

WEB COPY

S.Lakshmiammal

... Petitioner

Vs

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Devakottai, Sivagangai District.

2.S.Selvi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent herein to dispose of the petitioner's application which was filed under Section 23 of Maintenance of Welfare of Parents and Senior Citizens Act and cancel the sale deed executed in favour of the second respondent in respect of the house property comprised in S.No.270/4 bearing Patta No.213 vide Document No.765 of 1988 and transfer the said property in favour of the petitioner and also for return of the sum of Rs.2,44,000/- cash, 30 sovereigns of gold jewels and household articles within the time stipulated by this Court.

For Petitioner

: Mr.B.Jameel Arasu

For R-1

: Mr.A.Muthukaruppan

Additional Government Pleader

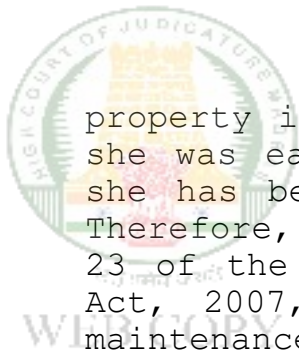
ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent herein to dispose of the petitioner's application filed under Section 23 of Maintenance of Welfare of Parents and Senior Citizens Act, 2007.

2. Mr.A.Muthukaruppan, learned Additional Government Pleader accepts notice on behalf of the first respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard Mr.B.Jameel Arasu, learned counsel for the petitioner and Mr.A.Muthukaruppan, learned Additional Government Pleader for the first respondent.

4. It is the case of the petitioner that the second respondent is her daughter. According to her, earlier, she was the owner of the property comprised in S.No.270/4, bearing Patta No.213, vide Document No.765 of 1988. According to her, she has settled the



property in favour of the second respondent. It is her case that she was earlier living with the second respondent. But, however, she has been thrown out from the house by the second respondent. Therefore, she was constrained to file an application under Section 23 of the Maintenance of Welfare of Parents and Senior Citizens Act, 2007, with the first respondent on 03.06.2020 seeking for maintenance from the second respondent as well as seeking cancellation of sale deed executed by her in favour of the second respondent. According to the petitioner, till date, the said representation has not been considered by the first respondent. In such circumstances, this Writ Petition has been filed.

5. The relief sought for by the petitioner in this Writ Petition is an innocuous relief. No prejudice will be caused to the first respondent, if the petitioner's application filed under Section 23 of the Maintenance of Welfare of Parents and Senior Citizens Act, 2007, is considered by the first respondent on merits and in accordance with law, after hearing the necessary parties including the second respondent.

6. Admittedly, the petitioner is aged 80 years. The petitioner's grievance against the second respondent is that she was thrown out from the house which was earlier owned by her. Therefore, the application of the petitioner filed under Section 23 of the Maintenance of Welfare of Parents and Senior Citizens Act, 2007, will have to be disposed of by the first respondent expeditiously.

7. For the foregoing reasons, this Court directs the first respondent to dispose of the petitioner's application filed under Section 23 of the Maintenance of Welfare of Parents and Senior Citizens Act, 2007 on 03.06.2020, after hearing all the necessary parties including the second respondent, within a period of eight weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

tsg

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.

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



To

The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Devakottai, Sivagangai District.

WEB COPY

+1 CC to M/s.SPL GP (SR-25139[F] dated 11/12/2020)

W.P. (MD) No.18140 of 2020
10.12.2020

SS (CO)
KB (23.12.2020) 3P 3C