

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.466 of 2021

S.Jayalakshmi

...

Petitioner

Vs

1. The District Collector,
Office of the District Collectorate,
Chengalpattu District.

2. The Revenue Divisional Officer,
Tambaram, Chengalpattu District.

3. Indhumati

...

Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the first respondent to pass order to cancellation of settlement deed executed by petitioner in favour of the third respondent dated 15.11.2006 in document No.6109 of 2006 on the file of the Sub-Registrar Office, Pallavaram based on the representation sent by the petitioner dated 16.07.2020 under the provision of Maintenance and Welfare of Parents and Senior Citizen Act, 2007.

For petitioner

... Mr.Mukund Rao

for Mr.Eswar, Kumar and Rao

For respondents 1 & 2

... Mr.K.Paramesharan,

Government Advocate.

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to consider the petitioner's representation, dated 16.07.2020 filed under the provisions of Maintenance and Welfare of Parents and Senior Citizen Act, 2007 against the 3rd respondent seeking for cancellation of settlement deed executed by her in favour of the third respondent on 15.11.2006.

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2. The petitioner is the mother and the 3rd respondent is her daughter. According to the petitioner, she executed the settlement deed in favour of her daughter/ 3rd respondent on 15.11.2006 on the belief that the 3rd respondent-daughter will maintain her all through her life time. However, it is her case that the 3rd respondent failed to maintain her. In such circumstances, she has filed an application before the 1st respondent against 3rd respondent under the provisions of Maintenance and Welfare of Parents and Senior Citizen Act, 2007. However, according to her, the said application has not been considered, till date. In such circumstances, this writ petition has been filed.

3. Heard Mr.Mukund Rao, learned counsel for the petitioner and Mr.K.Parmeshwaran, learned Government Advocate accepts notice for the 1st and 2nd respondents. Since, no adverse orders are passed against the third respondent, notice to the third respondent is dispensed with by this Court.

4. Mr.K.Parmeshwaran, learned Government Advocate appearing for the 1st and 2nd respondents would submit, on instructions, that in respect of the application submitted by the petitioner under the provisions of Maintenance and Welfare of Parents and Senior Citizen Act, 2007, enquiry has already been initiated and the next date of enquiry is scheduled to take place on 09.02.2021 at 03.00 p.m. According to him, on instructions, he would further submit that final orders will be passed within a period of eight weeks, after giving sufficient opportunity to the petitioner as well as the third respondent in this writ petition.

5. Recording the submissions made by the learned Government Advocate appearing for the 1st and 2nd respondents, this Court directs the 1st and 2nd respondents to consider the petitioner's application dated 16.07.2020 filed against the 3rd respondent under the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007, and pass final orders on merits and in accordance with law after giving sufficient opportunity to the petitioner as well as the 3rd respondent, within a period of ten weeks from the date of receipt of a copy of this order.

6. With the aforesaid direction, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-VI)

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Sub Assistant Registrar

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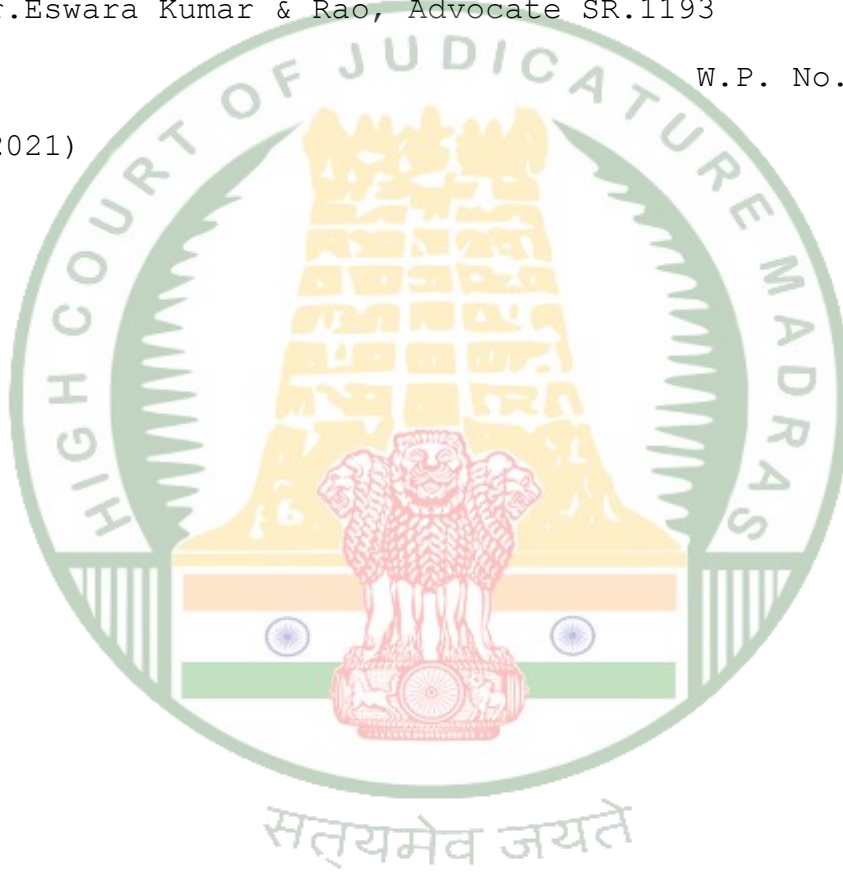
1. The District Collector,
Office of the District Collectorate,
Chengalpattu District.

2. The Revenue Divisional Officer,
Tambaram, Chengalpattu District.

+1cc to Mr.Eswara Kumar & Rao, Advocate SR.1193

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