

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 01.03.2021
CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.4638 of 2021

M.Hanifa

... Petitioner

Vs

1.The State Rep. by
The District Collector,
Chengalpattu,
Chengalpattu District.

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

3.The Revenue officer,
Chengalpattu,
Chengalpattu District.

4.The Tahsildar,
Tiruporur Taluk,
Chengalpattu,
Chengalpattu District.

5.A.Merasa

.... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the 1 to 4 respondent to consider and take appropriate legal action based on petitioner's representation dated 05.12.2020 and directing the 2 to 3 respondents cancel the Settlement registration made between the petitioner and the 5th respondent on 24.09.2012 vide Registration No.9352 of 2012 Tiruporur Sub-Registration office accordance with law under Parents and Senior Citizens Act, 2007.

For petitioner

... Mr.S.Sugendran

For Respondents 1 to 4

... Mr.K.Parameshwaran,
Government Advocate

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the respondents 1 to 4 to consider the petitioner's application filed under Maintenance and Welfare of

Parents and Senior Citizens Act, 2007 against the fifth respondent seeking for cancellation of the settlement deed dated 24.09.2012 executed by the petitioner in favour of the fifth respondent.

2. Mr.K.Parameshwaran, learned Government Advocate accepts notice on behalf of the respondents 1 to 4. By consent of both parties, this writ petition is taken up for final disposal at the time of admission itself.

3. It is the case of the petitioner that he is the father of the fifth respondent and is a senior citizen aged 69 years. He has executed a settlement deed dated 24.09.2012 registered as document No.9352 of 2012, Tiruporur Sub Registration Office, in favour of the fifth respondent who is his son on the belief that the fifth respondent will maintain him during his life time. However, according to him, the fifth respondent has not taken care of him and has thrown him out of the house. The petitioner has filed an application on 05.12.2020 against the fifth respondent under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 before the respondents 1 to 4. According to him, despite the said application, till date, the official respondents have not considered his application. In such circumstances, he has filed this writ petition for early disposal of his application filed against the fifth respondent under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

4. Heard Mr.S.Sugendran, learned counsel for the petitioner and Mr.K.Parameshwaran, learned Government Advocate for the respondents 1 to 4. Since no adverse order are going to be passed against the fifth respondent, notice to the fifth respondent is dispensed with by this Court.

5. The relief sought for in this writ petition is an innocuous one. The petitioner claims that despite the execution of the settlement deed dated 24.09.2012 in favour of the fifth respondent who is his son, the fifth respondent has failed to take care of him. The petitioner claims that he is aged 69 years and is a senior citizen. The petitioner has filed an application on 05.12.2020 before the official respondents under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 for cancellation of settlement deed dated 24.09.2012 registered as document No.9352 of 2012, Thiruporur Sub Registration Office.

6. Admittedly, the said application has not been considered till date by the official respondents. No prejudice will be caused to the respondents, if the petitioner's application is considered on merits and in accordance with law after hearing all the necessary parties including the fifth respondent who is his son.

7. For the foregoing reasons, this Court directs the third respondent to consider the petitioner's application dated 05.12.2020 filed against the fifth respondent seeking for cancellation of the settlement deed dated 24.09.2012 registered as document No. 9352 of 2012, Sub Registration Office, Thiruporur and pass final orders on merits and in accordance with law after hearing all the necessary parties including the fifth respondent within a period 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 (CS.III)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Chengalpattu,
Chengalpattu District.

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

3.The Revenue officer,
Chengalpattu,
Chengalpattu District.

4.The Tahsildar,
Tiruporur Taluk,
Chengalpattu,
Chengalpattu District.

+lcc to Mr.S.Sugendran, Advocate SR.No.12630

+lcc to The Government Pleader Sr.No.12803

AKM/16.03.21 /3P-7C/

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