

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.997 of 2021

K.Umapathy

... Petitioner

Vs

1. The District Collector
The Collectorate Office,
No.62, Rajaji Salai,
Fourth Floor,
Chennai - 1.

2. The Revenue Divisional Officer,
The Revenue Divisional Office,
Guindy,
Chennai - 32.

3. H. Kanniyammal

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to consider petitioner's representation dated 22.09.2020 and enquire the same and take action as against petitioner's daughter under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007.

For petitioner

... Mr.K.Karuppaiya Moopanar

For respondents

... Mr.V. Shanmuga Sundar
Special Government Pleader
for R1 & R2

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ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the 2nd respondent to consider the petitioner's representation dated 22.09.2020 given under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007, within a time frame to be fixed by this Court.

2. It is the case of the petitioner that he is a Senior

citizen, aged 65 years and the 3rd respondent is his daughter. According to the petitioner, despite settling of property in favour of his daughter / 3rd respondent, she failed to maintain him. In such circumstances, he has submitted an application under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 before the 2nd respondent on 22.09.2020 against the 3rd respondent seeking for cancellation of the settlement deed executed by him in favour of his daughter / 3rd respondent. According to him, till date, the said application has not been considered by the 2nd respondent. In such circumstances, this writ petition has been filed.

3. Heard Mr.K.Karruppaiya Mooppanar, learned counsel for the petitioner and Mr.V.Shanmuga Sundar, learned Special Government Pleader, who has accepted notice on behalf of the respondents 1 and 2. Since, no adverse orders are being passed against the 3rd respondent, notice to the 3rd respondent is dispensed with by this Court.

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

5. The relief sought for in this writ petition is an innocuous one. The petitioner claims to be a Senior citizen and it is his case that his daughter viz., the 3rd respondent has not been maintaining him properly, despite a property having been settled by him in her favour. He has submitted an application to the 2nd respondent under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 for cancellation of the settlement deed, which has been executed in favour of the daughter. Admittedly, the application submitted by the petitioner with the 2nd respondent under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 has not been considered by the 2nd respondent, till date. No prejudice will be caused to the respondents, if the petitioner's application dated 22.09.2020 filed before the 2nd respondent against the 3rd respondent under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 is disposed of expeditiously on merits and in accordance with law.

6. For the foregoing reasons, this Court directs the 2nd respondent to consider the petitioner's application, dated 22.09.2020 filed against the 3rd respondent under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 and pass final orders on merits and in accordance with law after hearing all the necessary parties, including the petitioner as well as the 3rd respondent, within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi2

To

1. The District Collector
The Collectorate Office,
No.62, Rajaji Salai,
Fourth Floor,
Chennai - 1.

2. The Revenue Divisional Officer,
The Revenue Divisional Office,
Guindy, Chennai - 32.

+2cc to Mr.K.Gowthaman, Advocate, S.R.No. 3071

W.P. No.997 of 2021

KK(CO)
GN(08/02/2021)



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