

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2021

C O R A M

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.1559 of 2021

A.M.Devaraj

...

Petitioner

Vs.

1.The District Collector,
Salem.

2.The Revenue Divisional Officer,
Salem - 636 001.

....

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of a writ of mandamus directing the respondents to consider the petitioner's representation dated 02.03.2020 and 12.12.2020 (Petition Number 20020/9005/08/613387/0302).

For Petitioner :Ms.Harinyi

For Respondents :Mr.V.Shanmuga Sundar,
Special Government Pleader

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the respondents to consider the petitioner's representation dated 02.03.2020 and 12.12.2020 given under the provisions of Maintenance and Welfare of Parents and Senior Citizen Act, 2007 to the respondents.

2. Mr.V.Shanmuga Sundar, learned Special Government Pleader accepts notice on behalf of the respondents. 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 despite giving sufficient properties to his sons namely D.Sadhasivam and D.Selvam, they have not been maintaining him for the past 20 years. According to him, it is only his daughters who have been maintaining him till date. It is the case of the petitioner that despite assurance given by his sons to

maintain him, they failed to do so. In such circumstances, he has given representations dated 02.03.2020 and 12.12.2020 to the respondents under the provisions of Maintenance and Welfare of Parents and Senior Citizen Act, 2007 requesting them to take action against his sons namely D.Sadhasivam and D.Selvam and also to cancel the documents executed by him in their favour. According to him, despite those representations, till date, they have not considered the same. Hence, this writ petition.

4. Heard Ms.Harinyi, learned counsel for the petitioner and Mr.V.Shanmuga Sundar, learned Special Government Pleader for the respondents.

5. The relief sought for in this writ petition is an innocuous one. The petitioner claims to be the father of his two sons namely D.Sadhasivam and D.Selvam and according to him, he has not been maintained by them for the past 20 years. It is also his case that some properties were bequeathed by him in their favour and despite the same, they have not maintained him. He has given representations on 02.03.2020 and 12.12.2020 to the respondents requesting them to take action against his sons namely D.Sadhasivam and D.Selvam under the provisions of Maintenance and Welfare of Parents and Senior Citizen Act, 2007. Admittedly, the said representations have not been considered by the respondents till date. No prejudice will be caused to the respondents, if the representations of the petitioner are considered on merits and in accordance with law.

6. For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representations dated 02.03.2020 and 12.12.2020 given under the provisions of Maintenance and Welfare of Parents and Senior Citizen Act, 2007 and pass final orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

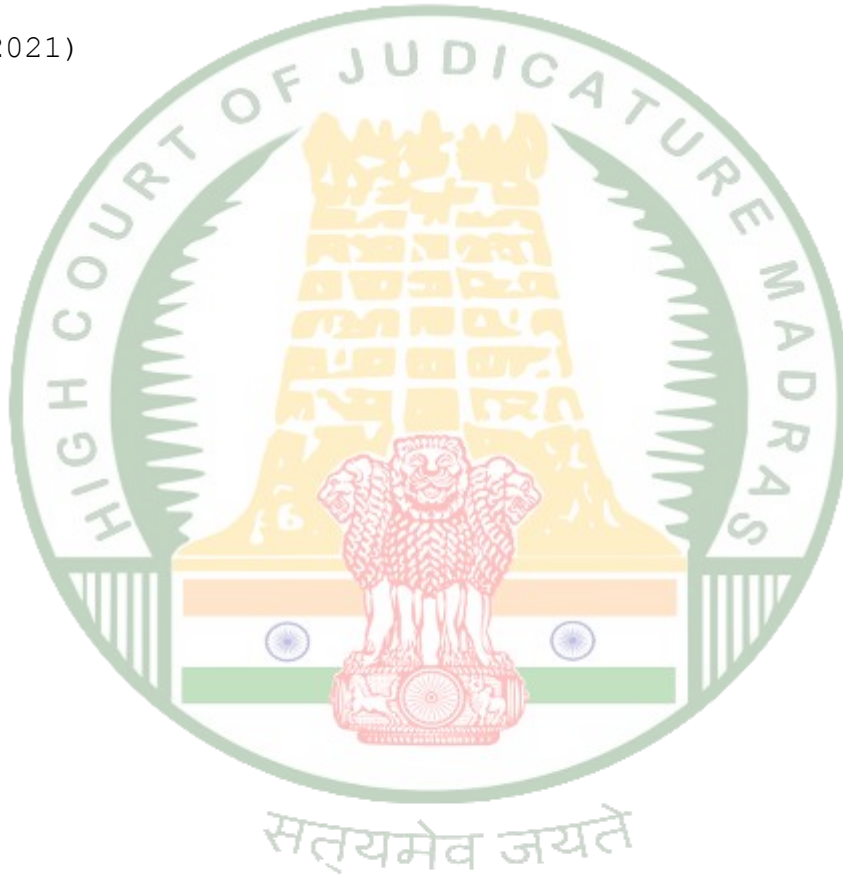
1.The District Collector,
Salem.

2.The Revenue Divisional Officer,
Salem - 636 001.

+3cc to Mr.G.Gopalakrishnan, Advocate SR.4288

W.P.No.1559 of 2021

RV(CO)
CB(29/01/2021)



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