

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.1743 of 2021 &
WMP.No.1945 of 2021

Kathirvel

...

Petitioner

Vs

1.The District Collector,
Collectorate Building,
No.62, Rajaji Salai,
4th Floor, Chennai - 600 001.

2.District Revenue Officer,
Collectorate Building,
No.62, Rajaji Salai,
4th Floor, Chennai - 600 001.

3.The Revenue Divisional Officer,
South Chennai - Division,
Guindy, Chennai - 600 032.

4.Mani

...

Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus to direct the 1st and 2nd respondents to transfer the proceedings pending before the 3rd respondent in Na.Ka.No.E1/2226/2020 to any other officer to conduct the proceedings in a fair and impartial manner according to law.

For petitioner

...

Mr.S.Sathyaraj

For Respondents 1 to 3

...

Mr.K.Parameshwaran

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the first and second respondents to transfer the proceedings pending before the third respondent in Na.Ka.No.E1/2226/2020 to any other officer to conduct the proceedings in a fair and impartial manner.

2. Mr.K.Parameshwaran, learned Government Advocate accepts notice on behalf of the respondents 1 to 3. 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 without affording a fair hearing to the petitioner, the third respondent is attempting to pass final orders on the fourth respondent's application seeking for cancellation of certain documents executed by him in petitioner's favour. The fourth respondent has initiated an action against the petitioner under the Maintenance and Welfare of Parents and Senior Citizens Act. The fourth respondent is the father and the petitioner is the son. According to the petitioner, at the behest of the brothers of the petitioner, the fourth respondent has lodged a complaint under the Maintenance and Welfare of Parents and Senior Citizens Act against him. It is the grievance of the petitioner that the third respondent has been acting in an unfair manner during the course of hearing. In such circumstances, this writ petition has been filed seeking for transfer of the proceedings pending before the third respondent to any other officer.

4. Heard Mr.S.Sathyaraj, learned counsel for the petitioner and Mr.K.Parameshwaran, learned Government Advocate for the respondents 1 to 3. Since no adverse orders are going to be passed against the fourth respondent, notice to the fourth respondent is dispensed with by this Court.

5. The relief sought for in this writ petition is not maintainable as no iota of evidence has been produced by the petitioner before this court to substantiate his claim that the third respondent has been acting in an unfair manner and in a partial manner with regard to the enquiry proceedings being conducted by him on the complaint filed by the fourth respondent against the petitioner under the Maintenance and Welfare of Parents and Senior Citizens Act.

6. The documents filed by the petitioner before this court are settlement deed dated 07.01.2015 executed by the fourth respondent in favour of the petitioner, settlement deed dated 11.03.2020 executed by the petitioner in favour of his wife, summon dated 02.12.2020 issued by the third respondent in the enquiry proceedings and the representation dated 04.01.2020 given by the petitioner to the respondents 1 & 2 seeking for transfer of the enquiry officer. Excepting for those documents which are irrelevant for the allegations levelled by the petitioner in this writ petition, no documentary evidence is available before this court to show that the third respondent has been acting in a partial manner in the enquiry proceedings. Hence, there is no merit in this writ petition as there is no iota of evidence produced by the petitioner before this Court to show that the third respondent has been acting in a partial and

unfair manner.

7. With the aforesaid observation, this Writ petition is disposed of. However, it is made clear that the third respondent shall afford a fair hearing to the petitioner and consider all the oral and documentary evidence produced by him in the enquiry proceedings in respect of the complaint lodged by the fourth respondent against the petitioner under the Maintenance and Welfare of Parents and Senior Citizens Act. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
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सत्यमेव जयते

W.P. No.1743 of 2021

GSM(CO)
GN(12/02/2021)

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