

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2021
CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
W.P.No.1938 of 2020

Saraswathi

...Petitioner

Vs

1. The District Collector,
Erode District.

2. The Revenue Divisional Officer,
Erode District.

3. Ragu

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus, directing the second respondent to conduct free, fair, independent and impartial enquiry in proceedings in Na.Ka.6130/019/A2 dated 20.12.2019 by following the Act 56 of 2007.

For Petitioner : Mr.R.Prabakar

For Respondents 1&2 : Mr.V.Shanmugasundar,
Special Government Pleader

For Respondent-3 : Mr.M.Guruprasad

ORDER

The Writ Petition has been filed seeking a direction to the second respondent to conduct an independent and impartial enquiry on the application submitted by the petitioner under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

2. It is stated in the affidavit filed in support of this Writ Petition that the third respondent is the son of the petitioner. It is also stated that the daughter of the petitioner has filed a suit in O.S.No.308 of 2008 on the file of the II Additional District Court, Erode, claiming partition of the joint family properties. The petitioner also stated that she filed an application on 25.11.2019 and notice was issued to the third respondent on 31.12.2019. The only allegation of the petitioner is that, without conducting an enquiry, the second respondent was trying to pass an order. Hence, the petitioner has moved this Court seeking a direction to the second respondent to conduct an independent and impartial enquiry.

3. Heard both sides and perused the materials available on record.

4. When the matter is taken up for hearing today, the learned counsel for the petitioner would submit that already an order was passed by the second respondent disposing of the application filed by the petitioner on 25.01.2020 in proceedings No.Na.Ka.6130/019/A2.

5. As the order has already been passed by the second respondent, noting survives for adjudication in this Writ Petition. Accordingly, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

srn

To

1. The District Collector,
Erode District.
2. The Revenue Divisional Officer,
Erode District.

+cc to M/s.R.Prabakar, Advocate Sr.No.22756
+cc to M/s.M.Guruprasad Advocate Sr.No.23353

W.P.No.1938 of 2020

PL(CO)
baf 04/05/2021

सत्यमेव जयते

WEB COPY