

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.2550 of 2021

M.Mariyammal

...Petitioner

Vs

1. The District Collector,
Kanchipuram District,
Kanchipuram - 631 502.

2. The Revenue Divisional Officer,
Madhuranthakam - 603 306
Kanchipuram District.

3. The Tahsildhar,
Cheyyur Taluk,
Cheyyur - 603 302,
Kanchipuram District.

4. M.Subramani

...Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the 2nd respondent to pass final orders on the petition dated 05.11.2019 filed by the petitioner under the provisions of The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, on the basis of the enquiry conducted by him on 03.12.2019 within the time that may be fixed by this Court.

For petitioner ... Mr.P.Mani

For respondents ... Mr.V.Prabhu,
Government Advocate

WEB COPY
ORDER

Heard Mr.P.Mani, learned counsel for the petitioner and Mr.V.Prabhu, learned Government Advocate accepts notice for respondents 1 to 3. Since, no adverse orders are passed as against the fourth respondent, notice to the fourth respondent is dispensed with by this court.

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

3. This writ petition has been filed for a Mandamus seeking for a direction to the second respondent to pass final orders on the petitioner's application filed against the fourth respondent under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, within a time frame to be fixed by this Court.

4. It is the case of the petitioner that she is aged 87 years and is a Senior Citizen and the fourth respondent is her son. It is her case that she executed a settlement deed in favour of the fourth respondent on 06.02.2013. It is her case that despite the execution of the said settlement deed, the fourth respondent failed to maintain her. She has filed an application before the second respondent against the fourth respondent under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, on 05.11.2019. According to her, despite commencement of enquiry, till date, no final orders have been passed on the petitioner's application seeking for cancellation of the settlement deed, which was earlier executed by her in favour of the fourth respondent. Being a senior citizen and aged 87 years, the petitioner seeks expeditious disposal of her application by the second respondent.

5. The relief sought for in this writ petition is an innocuous one. No prejudice will be caused to the respondents, if the application of the petitioner filed against the fourth respondent under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, is considered by the second respondent on merits and in accordance with law after hearing all necessary parties including the petitioner and the fourth respondent.

6. Admittedly, the petitioner is a Senior Citizen and is aged 87 years old. It is also an admitted fact that the application was filed by the petitioner in the year 2019 itself and the enquiry has also commenced.

7. For the foregoing reasons, this Court directs the second respondent to consider the petitioner's application, dated 05.11.2019 filed against the fourth respondent under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, and pass final orders on merits and in accordance with law, after hearing all necessary parties including the petitioner as well as the fourth respondent, within a period of eight weeks from the date of receipt of a copy of this order.

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

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vsi2

To

1. The District Collector,
Kanchipuram District,
Kanchipuram - 631 502.

2. The Revenue Divisional Officer,
Madhuranthakam - 603 306
Kanchipuram District.

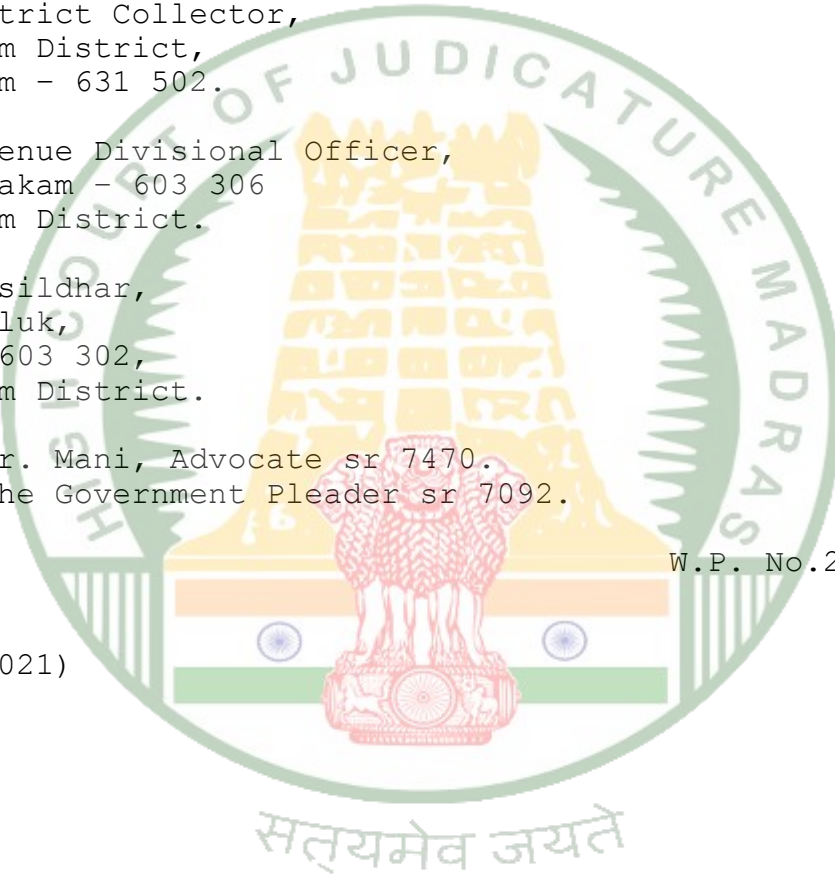
3. The Tahsildhar,
Cheyyur Taluk,
Cheyyur - 603 302,
Kanchipuram District.

+1 CC to Mr. Mani, Advocate sr 7470.

+1 CC to The Government Pleader sr 7092.

W.P. No.2550 of 2021

MG(CO)
SP(03/03/2021)



WEB COPY