

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.4728 of 2021

M.Saliah Bee

... Petitioner

Vs

1. The District Collector,
The Collectorate Office,
No.62, Rajaji Salai,
Fourth Floor, Chennai - 01.

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

3. K. Mohamed Nafees

4. M.A. Khaja Mohideen

... 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 cancel the sale deed No.5794 of 2019 dated 09.04.2019 and the settlement deed No.822 of 2017 dated 21.03.2017 under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 and Rules by considering petitioner's representations dated 02.11.2020.

For petitioner

... Ms.R.Revathi

for Mr.D.Muthuselvam

For respondents

... Mr.V. Shanmuga Sundar,

Spl. Govt. Pleader for R1 & R2

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ORDER

Mr.V.Shanmuga Sundar, learned Special Government Pleader accepts notice for the respondents 1 and 2.

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 2nd respondent to cancel the sale deed dated 09.04.2019 registered as document No.5794 of 2019 and the settlement deed dated 21.03.2017 registered as document No.822 of 2017 under the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizen Act, 2007 and its Rules by considering the petitioner's representation dated 02.11.2020.

4. The 3rd respondent is the grand son of the petitioner and the 4th respondent is her son-in-law (daughter's husband). According to the petitioner, she is a Senior citizen, aged 75 years old. According to her, without her knowledge, while she was having eye problem in the year 2017 and 2019, the 3rd and 4th respondents have made her to sign on blank papers and the 3rd respondent has got a sale deed and a settlement deed registered in his favour. According to her, both the properties which are the subject matter of this writ petition are valuable properties. The petitioner has submitted an application before the 2nd respondent under the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizen Act, 2007 and its Rules against the 3rd and 4th respondents seeking for cancellation of the aforementioned documents. Since the said application has not been considered till date, she has approached this Court under Article 226 of the Constitution of India.

5. Heard Ms.R.Revathi, learned counsel for the petitioner and Mr.V.Shanmuga Sundar, learned Special Government Pleader accepts notice for respondents 1 and 2. Since no adverse orders are passed against the 3rd and 4th respondents, notice to 3rd and 4th respondents are dispensed with by this Court.

6. The relief sought for in this writ petition is an innocuous one. The petitioner claims that she is a Senior Citizen, aged 75 years and during the year 2017 and 2019, when she was having eye problems, the 3rd and 4th respondent colluded together and made her to sign on blank papers and got the settlement and sale deed fraudulently registered in favour of the 3rd respondent, who is her grand son.

7. The petitioner has submitted an application on 02.11.2020 before the 2nd respondent against the 3rd and 4th respondents under the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizen Act, 2007 and its Rules. Admittedly, the said application has not been considered till date. No prejudice will be caused to the respondents, if the petitioner's application dated 02.11.2020 against the 3rd and 4th respondents under the the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizen Act, 2007 and its Rules is considered on merits and in accordance with law after hearing all necessary parties, including the 3rd and 4th respondents.

8. For the foregoing reasons, this court directs the 2nd respondent to consider the petitioner's representation, dated 02.11.2020 filed against the 3rd and 4th respondent under the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizen Act, 2007 and its Rules and pass final orders on merits and in accordance with law, after hearing all necessary parties, including the petitioner as well as the 3rd and 4th respondents.

9. With the aforesaid direction, this writ petition is 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 - 01.

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

+lcc to Mr.D.Muthuselvam, Advocate, S.R.No. 13130

W.P. No.4728 of 2021

SKY(CO)
GN(22/03/2021)

सत्यमेव जयते

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