

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.3869 of 2021

S.Madhavan

...Petitioner

Vs

1.The Sub Collector/Sub Division Magistrate,
Coimbatore North Division,
(Senior Citizen and Maintenance Welfare Tribunal)
Railway Station,
Thudiyalur,
Coimbatore.

2.Jayathulsiraj

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to dispose off the petition dated 03.12.2018 filed by the petitioner under Maintenance and Welfare of Parents and Senior Citizen Act of 2007 within stipulated period of time granted by this Court.

For Petitioner : Mr.K.Myilsamy
For Respondents : Mr.K.Parameshwaran
Government Advocate for R1

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the first respondent to dispose of the petitioner's representation dated 03.12.2018 filed by the petitioner under the Maintenance and Welfare of the Senior Citizen Act against the second respondent within a time frame to be fixed by this Court.

2. Heard Mr.K.Myilsamy, learned counsel appearing for the petitioner and Mr.K.Parameshwaran, learned Government Advocate appearing for the first respondent.

3. On instructions, Mr.K.Parameshwaran, learned Government Advocate appearing for the first respondent would submit that an enquiry in the petitioner's representation dated 03.12.2018 is

scheduled to take place on 16.04.2021 at 3.00 p.m. He would further submit that final orders will be passed on the petitioner's representation after affording a fair hearing to the petitioner as well the second respondent, within a time frame to be fixed by this Court.

4. The petitioner is the uncle of the second respondent. According to the petitioner, he was taken care of by his nephew, who is the second respondent herein, as he does not have any issues out of his wedlock. According to him, the petitioner has given an amount of Rs.23,00,000/- to the second respondent from and out of the sale proceeds arising out of sale of his property. It is the case of the petitioner that despite providing substantial amount to the second respondent, the second respondent has not been taking care of him at his old age.

5. In such circumstances, he has filed an application before the first respondent under the Senior Citizen Act against the second respondent on 03.12.2018. Since, his application has not been considered, the petitioner has approached this Court under Article 226 of the Constitution of India.

6. No prejudice will be caused to the respondents, if the petitioner's application is considered on merits and in accordance with law by the first respondent after hearing the necessary parties including the petitioner as well as the second respondent. The enquiry in the petitioner's application against the second respondent is scheduled to take place on 15.04.2021 at 3.00 p.m.

7. For the foregoing reasons, this Court directs the first respondent to pass final orders on the petitioner's application dated 03.12.2018 filed against the second respondent under the Senior Citizen Act after affording a fair hearing to the petitioner and the second respondent within a period of 12 weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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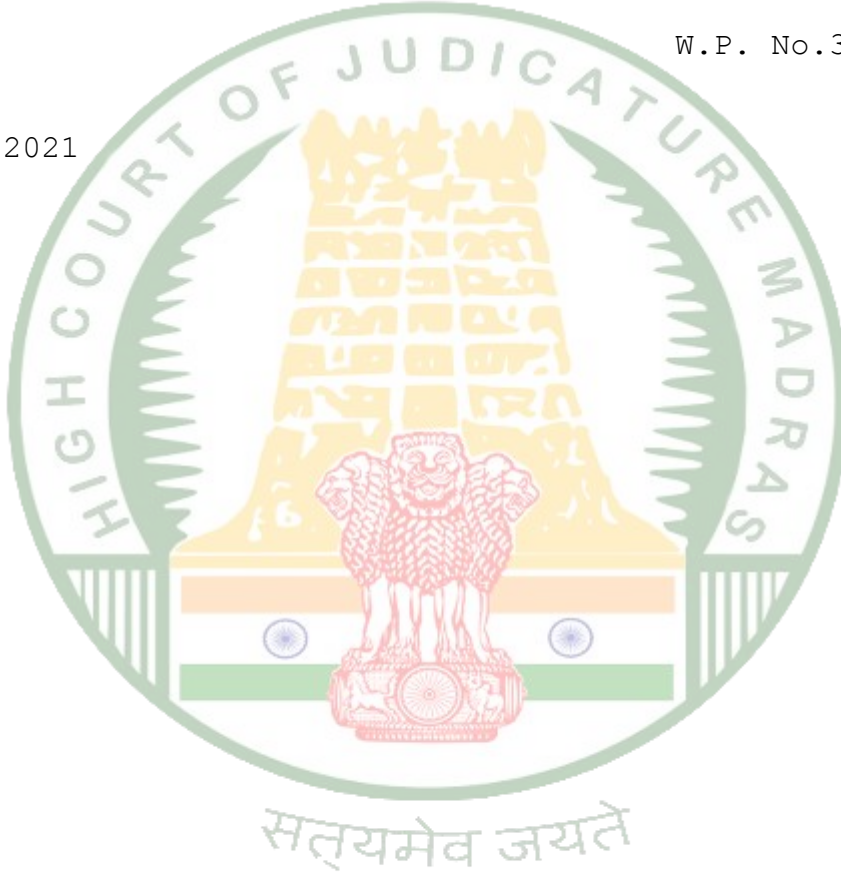
To

The Sub Collector/Sub Division Magistrate,
Coimbatore North Division,
(Senior Citizen and Maintenance Welfare Tribunal)
Railway Station,
Thudiyalur,
Coimbatore.

+lcc to Mr.K.Myilsamy, Advocate, S.R.No.13091
+lcc to the Government Pleader, S.R.No.13175

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GPL (CO)
KKV/19/03/2021



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