

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.3731 of 2021

M.Aribal

....Petitioner

Vs.

1. The Revenue Divisional Officer,
Cuddalore - 607 001.

2. Balamurali

.....Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to dispose of the petition filed by the petitioner on 05.01.2021 under Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

For Petitioner : Mr.D.Baskar

For Respondents: Mr.V.Prabhu

Government Advocate for R1

No appearance for R2

ORDER

Mr.V.Prabhu, learned Government Advocate accepts notice for the 1st respondent.

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

3. This Writ Petition has been filed for a mandamus seeking for a direction to the first respondent to dispose of the petition filed by the petitioner against the 2nd respondent under Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

4. According to the petitioner, the second respondent is his son. It is the case of the petitioner that he is presently living with his daughter. According to the petitioner, the second respondent got married on 26.02.2018 and thereafter he has not taken care of him. It is his case that on 21.10.2020, the second respondent barged into his house with a band of

hooligans and beat him up and drove him out of the house, which compelled him to stay with his daughter. According to the petitioner, he has also lodged a criminal complaint against the second respondent on 22.10.2020. The petitioner has also filed a petition under Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 against the second respondent on 06.01.2021. According to the petitioner, till date, the first respondent has not taken the petitioner's petition on file and issued notice to the second respondent. The petitioner claims that he is aged 71 years and therefore, his petition will have to be disposed of expeditiously. In such circumstances, this writ petition has been filed.

5. Heard Mr.D.Baskar, learned counsel for the petitioner and Mr.V.Prabhu, learned Government Advocate for the first respondent. Since no adverse orders are passed as against the 2nd respondent, notice to 2nd respondent is dispensed with by this Court.

6. The relief sought for in this writ petition is an innocuous one. The petitioner has filed a petition against the second respondent under Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. He seeks for early disposal of the said petition by the first respondent. No prejudice will be caused to the respondents, if the petitioner's petition under Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is considered on merits and in accordance with law, within a time frame to be fixed by this Court after affording a fair hearing to the petitioner as well as the second respondent.

7. For the foregoing reasons, this Court directs the first respondent to take the complaint filed by the petitioner against the second respondent under Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 on its file and issue summons / notice to the second respondent and pass final orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording a fair hearing to the petitioner as well as the second respondent.

8. With the aforesaid direction, the writ petition stands disposed of. No costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

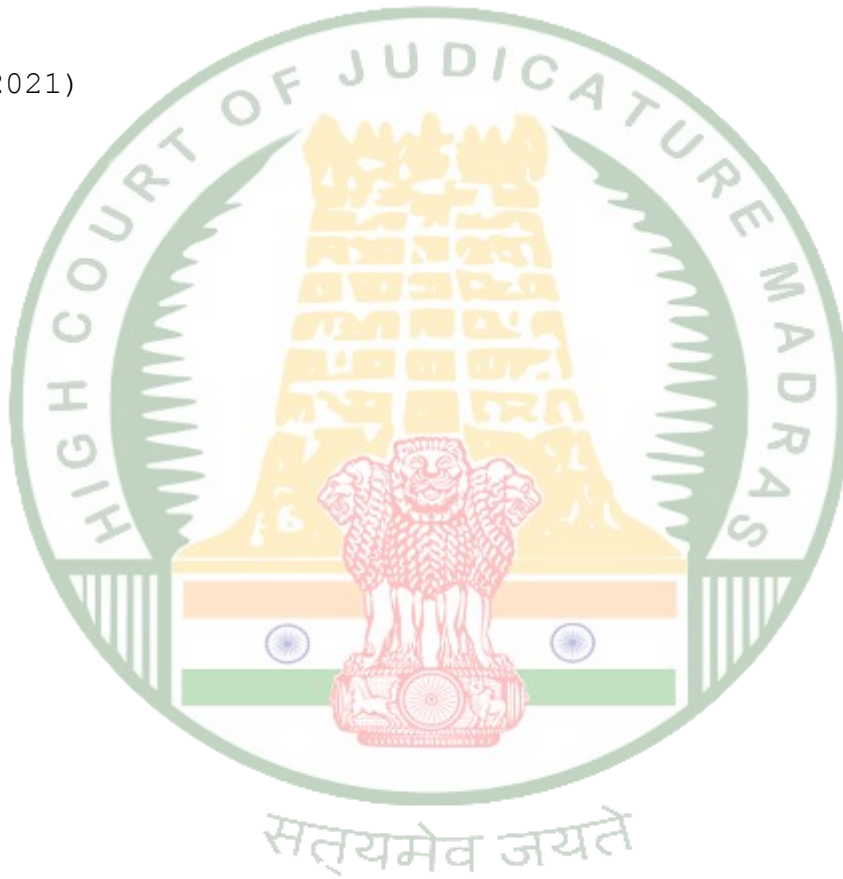
To

The Revenue Divisional Officer,
Cuddalore - 607 001.

+1 CC to Mr.D.Baskar, Advocate sr 10367
+1 CC to The Government Pleader sr 10717.

W.P. No.3731 of 2021

MG (CO)
SP(15/03/2021)



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