

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.NO.4915 OF 2021

P.Balasubramaniam

... Petitioner

Vs

1. The District Collector,
Salem District,
Salem.

2. The Revenue Divisional Officer,
Sankari,
Salem District.

3. Shanthi

... Respondents

Prayer:-

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the 2nd respondent herein to conduct the enquiry in proceedings No.2645/2020/D and dispose the same.

For petitioner ... Mr.B.Kumarasamy

For Respondents ... Mr.V.Shanmuga Sundar,
Spl.Govt.Pleader for R1 & R2

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 second respondent to conduct an enquiry in the application filed by the petitioner against the third respondent under the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizen Act, 2007 and its Rules and pass final orders, within a time frame to be fixed by this Court.

4. The third respondent is the daughter of the petitioner. The petitioner has executed a settlement deed on 13.08.2015 registered as document No.3489 of 2015 on the file of the SRO, Edappadi. According to the petitioner, he executed the settlement deed in favour of the third respondent only on the assurance given by the third respondent that she will maintain him during his lifetime. According to the petitioner only for two years, the third respondent maintained him and thereafter she refused to maintain him. The petitioner has submitted an application with the official respondents on 16.11.2020 against the third respondent under the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizen Act, 2007 and its Rules. It is the case of the petitioner that till date, no enquiry has been conducted by the second respondent in the petitioner's application. In such circumstances, the petitioner has approached this Court under Article 226 of the Constitution of India for early disposal of his application by the second respondent.

5. Heard Mr.B.Kumarasamy, learned counsel for the petitioner and Mr.V.Shanmuga Sundar, learned Special Government Pleader appearing for respondents 1 and 2. Since no adverse orders are passed against the 3rd respondent, notice to 3rd respondent is dispensed with by this Court.

6. The relief sought for in this writ petition is an innocuous one. The third respondent is the daughter of the petitioner. The petitioner claims that he executed a settlement deed in favour of the third respondent in the year 2015. According to him, he executed the settlement deed only on the assurance given by the third respondent that she will take care of him during his lifetime. According to him, the third respondent took care of him only for a period of two years from the date of execution of the settlement deed and thereafter failed to take care of him. The petitioner has submitted an application with the respondents 1 and 2 on 28.10.2020 against the third respondent under the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizen Act, 2007 and its Rules. The second respondent has also called the petitioner as well as the third respondent for enquiry on 11.11.2020 and 16.11.2020. But thereafter there was no further proceedings. The petitioner claims that he is aged 80 years and therefore, he seeks for early disposal of his application by the second respondent. No prejudice will be caused to the respondents 1 and 2 if the petitioner's application is considered on merits and in accordance with law after hearing all necessary parties including the petitioner as well as the third respondent.

7. For the foregoing reasons, this Court directs the second respondent to pass final orders on the petitioner's application

dated 28.10.2020 filed under the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizen Act, 2007 and its Rules against the third respondent, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after hearing all necessary parties including the petitioner as well as the third respondent.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vs12

To

1. The District Collector,
Salem District,
Salem.
2. The Revenue Divisional Officer,
Sankari, Salem District.

+1cc to Mr.B.Kumarasamy, Advocate, S.R.No.13372

W.P.No.4915 of 2021

CS/05/03/2021

सत्यमेव जयते
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