

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2021

C O R A M

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.NO.6614 OF 2021

Arumugam

... Petitioner

Vs.

District Collector,
Office of the Collectorate,
Coimbatore District.

... Respondent

Prayer:-

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondent to take action under section 23 of Maintenance and Welfare of Parents and Senior Citizens Act 2007 on the petitioner's representation dated 10.01.2020.

For Petitioner : Ms.H.Kavitha,
for Mr.N.Ishtiaq Ahmed

For Respondent : Mr.V.Shanmuga Sundar,
Special Government Pleader

O R D E R

This writ petition has been filed for a mandamus seeking for a direction to the respondent to consider the petitioner's application filed against Pandiyaraj, the son-in-law of the petitioner under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act 2007

2. Mr.Shanmuga Sundar, learned Special Government Pleader accepts notice for the respondent. By consent of both the parties, this writ petition is taken up for final disposal at the time of admission itself.

3. It is the case of the petitioner that he executed a conditional settlement deed dated 09.10.1997 registered as document No.1577 of 1997 on the file of the Sub-Registrar

Office, Aanamalai in favour of his daughter Vijaya, the wife of Pandiyaraj. According to her, under the settlement deed, his daughter agreed to maintain him during his lifetime. According to him, his daughter died on 27.05.2015. It is the case of the petitioner that thereafter, his son-in-law Pandiyaraj ill-treated him and is not maintaining him. It is also his case that he was thrown out of his house by his son-in-law Pandiyaraj. The petitioner has filed an application under section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act 2007 against his son-in-law Pandiyaraj. He has also given a representation on 10.01.2020 to the respondent requesting for early disposal of his application. Since the application has not been considered till date, the petitioner has approached this Court.

4. Heard Ms.H.Kavitha, learned counsel representing Mr.N.Ishtiaq Ahmed, learned counsel for the petitioner and Mr.V.Shanmuga Sundar, learned Special Government Pleader for the respondent.

5. The relief sought for in this writ petition is an innocuous one. The petitioner claims that he executed a settlement deed dated 09.10.1997 in favour of his daughter Vijaya. According to him, after the death of his daughter Vijaya on 27.05.2015, his son-in-law Pandiyaraj has thrown him out of his house and has not been maintaining him. The petitioner has filed an application under section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act 2007 before the respondent against his son-in-law Pandiyaraj. He has also given a representation on 10.01.2020 seeking for early disposal of his application filed under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act 2007. Admittedly, the said application has not been considered till date. No prejudice will be caused to the respondent, if the petitioner's application is considered on merits and in accordance with law after affording a fair hearing to the petitioner as well as other necessary party, if any.

6. For the foregoing reasons, this Court directs the respondent to consider the petitioner's application dated 20.09.2019 filed against his son-in-law Pandiyaraj under section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act 2007 and pass final orders on merits and in accordance with law after hearing the petitioner and other legal heirs of the deceased Vijaya who died on 27.05.2015 including Pandiyaraj, the son-in-law of the petitioner within a period of twelve weeks from the date of receipt of a copy of this Order.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

The District Collector,
Office of the Collectorate,
Coimbatore District.

+1cc to Mr.N.Ishtiaq Ahmed, Advocate, S.R.No.17005

W.P.No.6614 of 2021

GPL (CO)
CS/09/04/2021



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