

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.6629 of 2021

U.Sundari

... Petitioner

Vs

1.The District Collector,
Coimbatore District,
District Collectorate,
Coimbatore - 641018.

2.The Revenue Divisional Officer,
Coimbatore North,
Kavundampalayam,
Coimbatore - 641030.

3.The Tahsildar,
Annur Taluk,
Sathy main Road,
Annur, Coimbatore District,
Pin: 641653.

4.The Sub Registrar,
Annur,
CSR Nagar,
Avinashi Road,
Coimbatore - 641653

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondent authorities to consider petitioner's representation dated 16.7.2020 which was forwarded by the office of the 1st respondent to the 2nd respondent vide their communication dated 5.8.2020 for necessary and cancel the Deed of Settlement dated 21.8.2014 registered as document No. 5774 of 2014 in the office of the 4th respondent and recover and handover back the property viz. land measuring an extent of Ac.2.70.5 cents comprised in survey No. 426 / 2A karagondampalayam Village Annur Taluk Coimbatore District to the petitioner within a time limit to be fixed by this Court.

For petitioner ...Mr.R.Ramesh Raja
For Respondents 1 to 3...Mr.V.Shanmuga Sundar,
 Special Government Pleader
For Respondent 4 ... Mr.T.M.Pappaiah,
 Special Government Pleader

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the second respondent to consider the petitioner's application filed under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 against her son Chandrasekaran and pass final orders within a time frame to be fixed by this Court.

2. Mr.V.Shanmuga Sundar, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 3 and Mr.T.M.Pappaiah, learned Special Government Pleader accepts notice on behalf of the respondent 4. By consent of both the parties, this writ petition is taken up for final disposal at the time of admission itself.

3. The case of the petitioner is that without her knowledge, her son Chandrasekaran has obtained settlement deed in his favour. It is her case that her son Chandrasekaran took her to the Sub-Registrar's Office, Annur, for the purpose of executing a partition deed, whereas fraudulently he has obtained a settlement deed in his favour as if the petitioner agreed for the said settlement. The petitioner claims that she is now aged 77 years and is suffering without any income. She has submitted a representation dated 16.07.2020 with the second respondent against her son Chandrasekaran under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 seeking for cancellation of the settlement deed dated 21.08.2014. According to her, since the said application has not been considered till date, this writ petition has been filed.

4. Heard Mr.R.Ramesh Raja, learned counsel for the petitioner, Mr.V.Shanmuga Sundar, learned Special Government Pleader appearing for the respondents 1 to 3 and Mr.T.M.Pappaiah, learned Special Government Pleader appearing for the respondent 4.

5. The relief sought for in this writ petition is an innocuous one. The petitioner claims that Chandrasekaran is her son. According to her, she was taken to Sub-Registrar Office, Annur only for the purpose of executing a partition deed amongst the family members. But, her son Chandrasekaran has fraudulently obtained a settlement deed dated 21.08.2014 registered as document No.5774 of 2014 in his favour. The petitioner is aged

77 years and she has submitted a representation on 16.07.2020 with the second respondent under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 against her son Chandrasekaran for cancellation of the settlement deed dated 21.08.2014. Admittedly, the said representation has not been considered by the respondents till date. No prejudice will be caused to the respondents or Chandrasekaran, the son of the petitioner, if the petitioner's representation is considered on merits and in accordance with law after hearing all the necessary parties.

6. For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representation dated 16.07.2020 filed against her son Chandrasekaran under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 seeking for cancellation of the settlement deed dated 21.08.2014 registered as document No.5774 of 2014 and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and Chandrasekaran as well as other necessary parties, if any, 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

//True Copy//

Sub Assistant Registrar

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To

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PMK (CO)
RMP (01/04/2021)



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