

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.6419 of 2021

Periyanayagi Ammal

...

Petitioner

Vs

1. The District Collector of Villupuram District,
Office of the Collectorate,
Jakkampettai,
Tindivanam - 604 001.

2. The Deputy Collector of Villupuram District,
O/o. The Collectorate,
Jakkampettai,
Tindivanam - 604 001.

3. The Revenue Divisional Officer,
Office of the Collectorate,
Jakkampettai,
Tindivanam - 604 001.

4. Lakshmanaswamy ... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the 3rd respondent herein to dispose of the petitioner's petition filed before the 3rd respondent herein under Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 as per his notice dated 07.11.2018 made in Na.Ka.A.3/3557/2020.

For petitioner ... Mr.R.Agilesh

For respondents ... Mr.K.Parameshwaran,
Government Advocate for R1 to R3

ORDER

Mr.K.Parameshwaran, learned Government Advocate accepts notice for the respondents 1 to 3.

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 3rd respondent to pass final orders in the petitioner's application filed against the 4th respondent under Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and its Rules within a time frame to be fixed by this Court.

4. The case of the petitioner is that she is a Senior citizen presently aged 80 years. It is her case that she executed a Settlement deed in respect of her properties in favour of her brother, viz., the 4th respondent herein on 12.03.2020. According to the petitioner, the Settlement deed was executed by her only on the assurance given by the 4th respondent that he will maintain her. However, according to the petitioner, after the execution of the Settlement deed dated 12.03.2020, the 4th respondent has failed to take care of her and has abandoned her totally. The petitioner has submitted an application against the 4th respondent before the respondent under Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 seeking for cancellation of the registered Settlement deed dated 12.03.2020, executed by her. The petitioner has stated in the affidavit filed in support of the writ petition that the 3rd respondent has already initiated enquiry in the complaint lodged by the petitioner and the first date of enquiry was also fixed on 12.11.2020 at 3.00p.m. However, according to the petitioner, till date no final order has been passed by the 3rd respondent. In such circumstances, this writ petition has been filed for early disposal of the petitioner's application by the 3rd respondent.

5. Heard Mr.R.Agilesh, learned counsel for the petitioner and Mr.K.Parameshwaran, learned Government Advocate for the respondents 1 to 3. Since no adverse orders are passed against the 4th respondent, notice to 4th respondent is dispensed with by this Court.

6. The relief sought for by the petitioner in this writ petition is an innocuous one. The petitioner claims to be a Senior Citizen. According to her, she executed a Settlement deed on 12.03.2020 in favour of her brother in respect of her properties on the assurance given by the 4th respondent that he will maintain her, till her lifetime. It is the case of the petitioner that subsequent to the execution of the Settlement deed, dated 12.03.2020, the 4th respondent stopped maintaining her and has abandoned her totally. The petitioner has submitted an application with the 3rd respondent against the 4th respondent under Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 seeking for cancellation of the Settlement deed dated 12.03.2020. The 3rd respondent has also initiated enquiry proceedings in the said application and

had earlier fixed the first date of hearing as 12.11.2020 at 3.00 p.m. Admittedly, the application filed by the petitioner against the 4th respondent has not been disposed of by the respondent till date. No prejudice will be caused to the respondents, if the petitioner's application is considered on merits and in accordance with law after hearing the 4th respondent also.

7. For the foregoing reasons, this Court directs the 3rd respondent to pass final orders on the petitioner's application filed against the 4th respondent under Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 seeking for cancellation of the settlement deed dated 12.03.2020, after affording a fair hearing to the petitioner as well as the 4th 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.

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

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

Vsi2

To

1. The District Collector of Villupuram District,
Office of the Collectorate,
Jakkampettai, Tindivanam - 604 001.

2. The Deputy Collector of Villupuram District,
O/o. The Collectorate,
Jakkampettai, Tindivanam - 604 001.

3. The Revenue Divisional Officer,
Office of the Collectorate,
Jakkampettai, Tindivanam - 604 001.

+1cc to the Government Pleader, S.R.No. 16713

+1cc to Mr.R.Agilesh, Advocate, S.R.No. 17016 (22/04/2021)

W.P. No.6419 of 2021

PL(CO)

GN(29/03/2021)