

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2021

CORAM

THE HONOURABLE Mr.JUSTICE ABDUL QUDDHOSE

W.P.No.6612 of 2020

Murugesan

... Petitioner

Vs

The District Collector,
Dharmapuri District,
Dharmapuri

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking for an issuance of a writ of mandamus directing the respondent to dispose of the petitioner's petition dated 27.01.2020 within a fixed time frame.

For Petitioner : Mr.M.Selvam

For Respondents : Mr.V.Shanmugasundar,
Special Government Pleader

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the respondent to consider the petitioner's application dated 27.01.2020 filed against his son Rajaprakash under the Senior Citizens Act and pass final orders within a time frame to be fixed by this Court.

2. Heard Mr.M.Selvam, learned counsel for the petitioner and Mr.V.Shanmugasundar, learned Special Government Pleader appearing notice on behalf of the respondents.

3. It is the case of the petitioner that on the assurance given by his son Rajaprakash that he will maintain him during his life time, he executed a Settlement Deed in favour of his son, registered as Document No.2325 of 2011 on the file of the Sub Registrar Office, Palacode in respect of his property, measuring an extent of 2 acres of land in Survey No.111/4 of Hanumanthapuram Village. However, according to the petitioner, his son deceived him and has failed to maintain him despite the execution of the settlement deed in his favour. The petitioner

has submitted an application on 27.01.2020 with the respondent against Rajaprakash under the Senior Citizens Act seeking for cancellation of the aforementioned Settlement Deed. Since no final orders have been passed by the respondent on the said application, the petitioner has approached this Court under Article 226 of the Constitution of India.

4. The relief sought for in this Writ Petition is an innocuous one. The petitioner claims that he had executed a Settlement Deed, registered as Document No.2325 of 2011, on the file of the Sub Registrar Office, Palacode in favour of his son Rajaprakash on the assurance given by him that he will maintain the petitioner till his life time. According to the petitioner, his son has been ill-treating him and has also refused to maintain him, despite the execution of the settlement deed by the petitioner in his favour. The petitioner has submitted an application with the respondent on 27.01.2020 under the Senior Citizens Act seeking for cancellation of the aforementioned Settlement Deed. Admittedly, no final orders have been passed by the respondent in the petitioner's application.

5. No prejudice will be caused to the respondent, if the petitioner's application seeking for cancellation of the aforementioned Settlement Deed is considered on merits and in accordance with law, after hearing all the necessary parties including the son of the petitioner, Rajaprakash, against whom, the petitioner has filed the complaint.

6. For the foregoing reasons, this Court directs the respondent to pass final orders on the petitioner's application dated 27.01.2020 under the Senior Citizens Act against his son, Rajaprakash seeking for cancellation of the Settlement Deed registered as Document No.2325 of 2011 on the file of the Sub Registrar Office, Palacode on merits and in accordance with law, after hearing all the necessary parties including the petitioner's son Rajaprakash, against whom, the complaint has been filed, within a period of 12 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

srn

To

The District Collector,
Dharmapuri District,
Dharmapuri

+1 CC to Mr.M.Selvam, Advocate Sr No.18815

W.P.No.6612 of 2020

PCH (CO)
RG.20.04.2021