



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.06.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN
W.P.No.9790 of 2018

Ramathal

... Petitioner

Vs

1.The District Collector
O/o.Collectorate Office
Coimbatore.

2.K.Velusamy

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to cancel the sale deed registered in Document No.11584/2015 at Singanallur Sub-Registrar Office, Coimbatore, as per Section 23 of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007, on considering the petitioner's representation dated 10.07.2017.

For Petitioner : Mr.S.Saravanan
For R1 : Mr.G.Krishnaraja
Government Advocate

For R2 : Mr.R.Sankarappan

ORDER

This writ petition has been filed for issuing a mandamus directing the 1st respondent to cancel the deed registered in Document No.11584/2015 at Singanallur Sub-Registrar Office, Coimbatore, as per Section 23 of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007, on considering the petitioner's representation dated 10.07.2017.

2.According to the petitioner, her husband died on 31.12.2003 leaving behind her and her daughter and son. While the petitioner's husband was alive, he had bequeathed a share to the petitioner in respect of the property situated at Soolur Taluk by way of a registered Will. After the demise of her husband, the petitioner was in possession and enjoyment of the property. While so, the petitioner's son has approached her to invest huge amount to his business and for which, he has taken the petitioner to Singanallur Sub-Registrar Office, Coimbatore during December 2015 on the pretext that she has to sign in the mortgage deed to get loan. The petitioner has signed all the documents shown by her son. Suddenly, in the year 2017, the son



of the petitioner and her daughter-in-law made a quarrel with the petitioner and the petitioner was thrown out from the house. Thereafter, the petitioner was staying in her daughter's house. Getting suspicious over the act of the petitioner's son, the petitioner's daughter verified the records at Singanallur Sub-Registrar Office and came to know that the property was transferred to the petitioner's son on 08.12.2015 as if the petitioner had executed the settlement deed in favour of him and all the documents were forged and signatures were obtained from the petitioner without communicating to her. Therefore, the petitioner has sent a representation to the 1st respondent on 10.07.2017 to take action against her son under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The said representation was forwarded to the Inspector of Police, Anti Land Grabbing Department, Coimbatore and subsequently, the above representation was redirected to RDO Office (North), Coimbatore on 17.08.2017. However, till date, no step was taken on the said representation to cancel the settlement deed. Hence, this writ petition.

3.The learned counsel appearing for the petitioner submitted that it would suffice, if this Court issues direction to the 1st respondent to consider the petitioner's representation dated 10.07.2017 and pass appropriate orders within the reasonable time.

4.The learned Government Advocate appearing for the 1st respondent submitted that the 1st respondent would consider the representation filed by the petitioner, if it is not disposed of earlier and pass appropriate orders on merits.

5.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the 1st respondent to consider the representation of the petitioner dated 10.07.2017, if it is not disposed of earlier and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as any other interested parties, within a period of eight (8) weeks from the date of receipt of a copy of this order.

6.Accordingly, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

kj



To
The District Collector
O/o. Collectorate Office
Coimbatore.

WEB COPY

+1cc to Mr.S.Saravanan, Advocate SR.No. 28713
+1 cc to Government Pleader Sr.No. 29026

W.P.No.9790 of 2018

PCH(CO)
B.VC(15.07.2021)