

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2021

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.9737 of 2021
(Heard through VC)

G.Rayar

.. Petitioner

Vs.

1.Appellate Tribunal/
The District Collector
Thiruvannamalai
Thiruvannamalai District

2.The Revenue Divisional Officer
Thiruvannamalai Revenue Division
Thiruvannamalai

3.R.Haridoss

4.Mrs.Roobavathy

... Respondents

PRAYER: Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing 1st respondent to consider and dispose the appeal dated 13.10.2020 made by the petitioner within stipulated period in accordance with provision of Section 16(6) of the Maintenance of Welfare of Parents and Senior Citizen Act (56) of 2007.

For Petitioner : Mr.P.Veeraraghavan

For Respondents: Mr.R.A.S.Senthilvel
Nos.1 & 2 Additional Government Pleader

O R D E R

Petitioner has come forward with the present writ petition for a mandamus to direct the 1st respondent to consider and dispose the appeal dated 13.10.2020 made by the petitioner within stipulated period in accordance with provision of Section 16(6) of the Maintenance of Welfare of Parents and Senior Citizen Act, 2007.

2. The case of the petitioner is that his son, namely the child respondent, forcibly settled the property of the

petitioner in his favour under settlement deed dated 25.09.2019 registered as Doc No.2963 of 2019, on the file of SRO, Thiruvannamalai. In this regard, the petitioner gave a complaint to the District Collector, namely the first respondent. However, the matter was referred to the second respondent in case No.A4/28/2020 under Maintenance of Welfare of Parents and Senior Citizen Act, 2007. Without properly appreciating the evidence and facts, the second respondent dismissed the petition of the petitioner on 21.09.2020. Aggrieved by the said order, the petitioner has preferred an appeal before the 1st respondent on 13.10.2020 under Section 16(1) of Maintenance of Welfare of Parents and Senior Citizen Act, 2007. As the appeal is pending, petitioner has filed the instant writ petition for the relief stated supra.

3. Having regard to the nature of dispute, without expressing any opinion on the merits of the case, the first respondent is directed to dispose of petitioner's appeal dated 13.10.2020 and pass appropriate orders on merits after issuing notice to the petitioner or any one interested, within a period of four weeks from the date of receipt of a copy of this order.

4. With the above direction, the writ petition is disposed of. However, there is no order as to costs.

Sd/-

Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

Asr

To

- 1.Appellate Tribunal/
The District Collector
Thiruvannamalai
Thiruvannamalai District
- 2.The Revenue Divisional Officer
Thiruvannamalai Revenue Division
Thiruvannamalai

+lcc to Government Pleader SR.No.24310

W.P.No.9737 of 2021

EV(CO)
GMY(08/07/2021)