

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.10018 of 2021

S. Jayaraman

... Petitioner

-vs-

1. The District Collector,
Chengalpattu District,
Chengalpattu.

2. The Revenue Divisional Officer,
Chengalpattu.

3. J. Sridharan

... Respondents

Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to consider the petitioner representation / Appeal dated 20.11.2020 and dispose under the Maintenance and Welfare of Parents and Senior Citizens Act 2007 in the light of W.P.No.11144 of 2020.

For Petitioner : Mr.P. Murali

For Respondents : Mr.R.A.S.Senthilvel
Additional Government Pleader

ORDER

This writ petition has been filed, seeking a direction to the first respondent to consider the petitioner representation / Appeal dated 20.11.2020 and dispose under the Maintenance and Welfare of Parents and Senior Citizens Act 2007 in the light of W.P.No.11144 of 2020.

2. According to the petitioner he is having properties of agricultural land and house sites in which he settled some properties in favour of his son namely J.Sridharan, and the same was registered as document No.14002/2015, measuring acre 02.50 cents of land Thimmavaram Village, Chengalpattu taluk and District by settlement deed dated 09.12.2015. Since the petitioner's son has not taken care of him and his wife at their old age he has decided to cancel the settlement deed dated 09.12.2015 executed by him to his son and made a

representation to the second respondent to conduct enquiry under the provision of The Maintenance and welfare of Parents and Senior Citizens Act, 2007. The Maintenance and welfare of Parents and Senior Citizens Act, 2007 provides power to the first respondent to cancel the settlement/gift deed. But the second respondent has rejected the claim of cancellation of settlement deed and the petitioner further preferred an appeal before the first respondent requesting him to conduct proper enquiry and cancel the settlement deed. Since there was no reply from the respondents the petitioner has approached this Court with the present writ petition.

3. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation is already pending with the first respondent and if the representation is not already disposed of earlier, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the first respondent herein to consider the representation preferred by the petitioner dated 20.11.2020 if the petitioner is found to be eligible and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of 90 days from the date of receipt of a copy of this order;

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the first respondent shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 20.11.2020 and this order, to the first respondent forthwith;

v) The first respondent is directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities

concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs.

Sd/-
Assistant Registrar(CS-V)

//True copy//

Sub Assistant Registrar

dpq

To

1. The District Collector,
Chengalpattu District,
Chengalpattu.
2. The Revenue Divisional Officer,
Chengalpattu.

+1cc to Government Pleader SR.No.24682

W.P.No.10018 of 2021

RK(CO)
GMY(02/07/2021)

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