

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2021

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.10786 of 2021

A.Manickam

...Petitioner

Vs

1. The District Collector,
Office of the District Collector,
Namakkal District.

2. The Sub Registrar,
Office of the Sub-Registrar,
Senthamangalam,
Namakkal District.

3. M.Ganesan

4. Minor G.Dhanadeeban,
Represented by his father,
M.Ganesan

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing the respondents 1 and 2 herein to suitably dispose of the petitioner's representation dated 15.03.2021 seeking for cancellation of the Settlement Deed obtained from him by the third respondent, under threat and co-ercion on 01.10.2020 settling the undivided half share of the house site comprised in Survey No.379/211 situate in Akkiampatti Village, Senthamangalam Taluk, Namakkal District, belonging to the petitioner to and in favour of his minor grandson, the fourth respondent herein, by registering the said settlement deed at the Office of SRO, Senthamangalam as Document No.2761 of 2020 as provided under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

For Petitioner	:	Mr.S.Senthil
For Respondent-1	:	Mr.R.A.S.Senthilvel, Additional Government Pleader
For Respondent-2	:	Mr.T.M.Pappiah, Special Government Pleader

ORDER

The petitioner, who is an Octogenarian, invoking the provisions of the Maintenance and Welfare of Parents and Senior Citizens, Act, 2007, has given a representation to the respondents 1 and 2 complaining against the respondents 3 and 4. The said complaint was given by the petitioner on 15.03.2021, wherein, he has sought for cancellation of the settlement deed dated 01.10.2020 obtained from him under threat and coercion by the third respondent. Even without waiting for the authorities to issue notice to the respondents 3 and 4, the petitioner has approached this Court for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to dispose of his representation.

2. The petitioner was not advised properly. Having filed this Writ Petition without even waiting for the authorities to act on the complaint, the petitioner is not entitled for issuance of mandamus to the first respondent when he is the authority, as defined under the said Act.

3. Accordingly, the Writ Petition is dismissed. No costs. It is open to the petitioner to approach the appropriate authority, if so advised.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

srn

To

1. The District Collector,
Office of the District Collector,
Namakkal District.

2. The Sub Registrar,
Office of the Sub-Registrar,
Senthamangalam,
Namakkal District.

+1cc to Mr.S.Senthil, Advocate, S.R.No.26057
+1cc to the Government Pleader, S.R.No.26337

W.P.No.10786 of 2021

SVI (CO)
CB(05/07/2021)