



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.15943 of 2021

Marimathalai @ Madalai Mary

...Petitioner

Vs

1. The Revenue Divisional Officer,
Hosur - 635 109,
Krishnagiri District.

2. Madalai Muthu

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the first respondent herein to dispose of the petitioner's application dated 19.04.2021 sent under Section 5 and 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2004 in accordance with law and within period.

For Petitioner : Mr.K.Govi Ganesan
For R1 : Mr.G.Krishnaraja,
Government counsel

O R D E R

Mr.G.Krishnaraja, learned Government Counsel takes notice for the first respondent.

2.With the consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

3.The prayer made in this writ petition is to direct the first respondent to dispose of the petitioner's application dated 19.04.2021 filed under Sections 5 and 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2004.

4.According to the petitioner, her husband Jacob died on 01.12.2020, leaving behind his wife / petitioner, two sons and three daughters as his legal heirs. The landed properties measuring 0.72 cents, 0.39 cents and 0.46 cents in S.F.Nos.434/2A, 433/1B2 and 434/1B situated at Thali Kothanur Village, Denkanikottai Taluk, Krishnagiri District, absolutely belong to the petitioner having purchased the same vide sale



deed dated 13.12.1978 registered as Document No.2279/1983 on the file of SRO, Denkanikottai and she has been in possession and enjoyment of the same. The petitioner intended to settle the said properties to her daughters, as adequate immovable properties had already been settled to her sons. While so, the second respondent illegally obtained a settlement deed dated 05.12.2020 registered as Document No.7509/2020, in his favour in respect of the said landed properties and he failed to take care of the petitioner atleast by providing basic needs. Therefore, the petitioner submitted an application dated 19.04.2021 to the first respondent under Sections 5 and 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, seeking to cancel the settlement deed. However, the said application was not considered till date. Hence, this writ petition.

5.Considering the limited relief sought herein, this Court directs the first respondent to consider the application of the petitioner dated 19.04.2021 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as the second respondent. Such an exercise shall be completed within a period four weeks from the date of receipt of a copy of this order.

6.This Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar (CS-V)

// True Copy //

Sub Assistant Registrar

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To

The Revenue Divisional Officer,
Hosur - 635 109,
Krishnagiri District.

+1CC to M/s.K.Govi Ganesan, Advocate, SR.No. 37490
+1CC to The Government Pleader, SR.No. 38049

W.P.No.15943 of 2021

PM(CO)
B.VC (24/09/2021)