



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2021

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THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P. No. 14788 of 2021

K. Sellam

.. Petitioner

Versus

1.The Sub Collector/The Revenue Divisional Officer
O/o. The Revenue Divisional Officer
Kallakurichi Town & Taluk
Kallakurichi District.

2.K.Ezhilvalavan

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to dispose the application dated 08.06.2021 filed under Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 within a time framed by this Court.

For Petitioner : Mr. G. Balamaniandan

For Respondents - 1 : Mr. G. Krishnaraja
Government Advocate

O R D E R

Mr. G. Krishnaraja, learned Government Advocate takes notice for the first respondent. With the consent of the counsel for both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. The present writ petition has been filed by the petitioner seeking to issue a Writ of Mandamus directing the first respondent to dispose the application dated 08.06.2021 filed by her under Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as 'Act'), within a time frame to be fixed by this Court.

3. The case of the petitioner is that she owned a house with a vacant land comprised in Survey No.95/15 measuring 2.5 cents situated at Moongilthuraipattu Village, Sankarapuram



Taluk, Kallakurichi District. She has three daughters and one son viz., second respondent herein. Her son/second respondent had fraudulently obtained her signature in a Settlement Deed dated 14.09.2020 as if she had settled the above said vacant land in his favour. The said Settlement Deed has been registered as Document No.1515 of 2020 on the file of the Sub-Registrar, Vadaponparappi. Using the said Settlement Deed, the second respondent availed a loan from IDFC Bank Ltd., by depositing the original documents and the same was registered as Document No.471 of 2021 on 22.02.2021 on the file of the Sub-Registrar, Vadaponparappi. Hence, the petitioner filed submitted an application dated 08.06.2021 under Section 23(1) of the Act, before the first respondent, requesting to cancel the Settlement Deed registered as Document No.1515 of 2020 on the file of the Sub-Registrar, Vadaponparappi inasmuch as the second respondent got the settlement deed registered fraudulently, however, till date, no action has been taken on her Application. Hence, she has filed the present writ petition before this Court for the relief stated supra.

4. The learned counsel for the petitioner submitted that the Application filed by the petitioner under Section 23(1) of the Act is still pending before the first respondent and therefore, appropriate direction may be issued to the first respondent to dispose the same.

5. In view of the facts and circumstances of the case and also considering the submission made by the learned counsel for the petitioner and the fact that the application dated 08.06.2021 is still pending, this Court directs the first respondent to dispose the petitioner's Application dated 08.06.2021 on merits and in accordance with law, as expeditiously as possible, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner as well as the second respondent.

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

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

mrr/rsh



To

The Sub Collector/The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Kallakurichi Town & Taluk,
Kallakurichi District.

+1cc to the Government Pleader, S.R.No. 34307

WP No. 14788 of 2021

GPL (CO)
GN (14/09/2021)