



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

Writ Petition No. 16278 of 2021

Krishnan

.. Petitioner

Versus

1.The District Collector
Thiruvannamalai District
Thiruvannamalai.

2.The Revenue Divisional Officer
Seyyar, Thiruvannamalai District.

3.Udayakumar
4.Suryaprakash

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent to complete the enquiry and pass order on merits on the basis of the representation dated 10.06.2020 given to the first respondent under Parents and Senior Citizens Welfare Act, within the stipulated time prescribed by this court.

For Petitioner : Mr. T.Muruganantham

For Respondents : Mr. Stalin Abhimanyu
Government Counsel for R1 and R2

ORDER

This writ petition has been filed seeking to issue a Writ of Mandamus, directing the second respondent to complete the enquiry and pass order on merits on the basis of the representation dated 10.06.2020 given by the petitioner to the first respondent under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, within a stipulated time to be prescribed by this court.

2. It is stated by the petitioner that he had purchased agriculture lands at Mettukudisai Village, and Sirunavalapattu



Mathura Chithanakal Village in Thiruvannamalai District vide sale deed dated 14.06.2002 in the names of his sons viz. the third and fourth respondents herein, who were minors, aged 15 and 13 years respectively. His wife namely Devakiammal was appointed as guardian for the minors. The petitioner had put up a building in the above said property and resided there along with his wife, two sons and three daughters. Subsequently, his father namely Munusamy had executed a settlement deed dated 13.08.2002 with regard to the property to an extent of 0.40 cents in Madhurasithanakal Village, Seyyur Taluk, Thiruvannamalai District, in favour of the third and fourth respondents, which was purchased by the petitioner in the name of his father. The petitioner anticipated that the respondents 3 and 4 would take care of him and his wife at their old age and with that hope, he had given the entire properties in favour of their sons. While so, on 14.06.2012, without the knowledge of the petitioner, the third respondent conveyed his shares in the properties in favour of the fourth respondent by receiving a sum of Rs.4,93,000/- and thereby, the fourth respondent become absolute owner of the entire properties. According to the petitioner, both the sons are not maintaining him and his wife and their basic needs were not met. Even when her wife suffered heart attack and she was advised to undergo Open Heart Surgery, the respondents 3 and 4 did not provide any funds and she continued to suffer ailment for want of proper treatment. Aggrieved by the acts of his sons, the petitioner gave a representation to the respondents 1 and 2 on 10.06.2020 to take action against the third and fourth respondents under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Though an enquiry was conducted in which the petitioner and his wife attended before the second respondent on 07.10.2020, no further order has been passed thereof. While so, 14.05.2021, the wife of the petitioner Devaki Ammal died. As the second respondent did not complete the enquiry on the basis of the petitioner's representation dated 10.06.2020, the present writ petition came to be filed.

3. The learned counsel for the petitioner submitted that on the basis of the petitioner's representation dated 10.06.2020, an enquiry was conducted by the second respondent, however, the second respondent did not pass final orders thereof. Therefore, the learned counsel prayed this Court to issue appropriate direction to the second respondent.

4. The learned Government Counsel appearing for the first and second respondents fairly submitted that the second respondent would consider the petitioner's representation and pass orders, on merits.



5. Considering the above facts and circumstances, without expressing any opinion on merits, this court directs the second respondent to consider the petitioner's representation dated 10.06.2020, and pass appropriate orders on merits and in accordance with law, after providing an opportunity of hearing to the petitioner and the respondents 3 and 4, within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mst/rsh

To

1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2.The Revenue Divisional Officer,
Seyyar,
Thiruvannamalai District.

+1cc to M/s.T.Muruganantham, Advocate Sr No.47481
+1cc to the Government Pleader Sr No.47856

WP No.16278 of 2021

RSI (CO)
PR (13/10/2021)