



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. NO. 17634 OF 2021

N. Kanagamani
(Rep by Power Agent,
N. Nithyanathan)

.. Petitioner

Versus

1. The District Collector/Sub Division Magistrate
(Senior Citizen and Maintenance Welfare Tribunal)
Coimbatore
Coimbatore District

2. N. Krishnakumar
Son of Narayanasamy
Door No. 19, Vijayalakshmi Apartment
Bharathi Park Road
Coimbatore - 641 043.

.. Respondents

Prayer: 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 off the petition dated 09.04.2021 filed by the petitioner under Maintenance and Welfare of Parents and Senior Citizen Act of 2007 within the stipulated period of time granted by this Hon'ble Court

For Petitioner : Mr.K.Myilsamy

For Respondents : Mr.Stalin Abhimanyu
Government Advocate (R1)



O R D E R

The present writ petition has been filed seeking to direct the first respondent to dispose of the petition dated 09.04.2021 filed by the petitioner under Maintenance and Welfare of Parents and Senior Citizen Act of 2007 within the stipulated period of time granted by this Court.

2. According to the petitioner, she owns an agricultural land measuring to an extent of 4.75 acres comprised in S. Nos. 263, 289, 290, 291/4 situated at Sarkar Samakullam Village, Annur Taluk, Coimbatore and she is now, 75 years old. Due to ageing, she is unable to move from one place to another and is suffering from various health issues. Taking advantage of the same, her son/second respondent obtained a settlement deed dated 15.07.2020 from the petitioner by way of fraud, coercion and threat. After execution of the same, he failed to maintain her and he did not provide basic needs to the petitioner, which compelled her to file a petition before the first respondent on 09.04.2021, claiming monthly maintenance and seeking to cancel the said settlement deed. According to the Maintenance and Welfare of Parents and Senior Citizen Act of, 2007, the petition has to be disposed within a period of 90 days. However, the petitioner's petition is kept pending without any consideration. Therefore, this Writ Petition.

3. Heard Mr. K. Myilsamy, learned counsel for the petitioner and Mr. Stalin Abhimanyu, learned Government Counsel taking notice for the first respondent.

4. Considering the limited relief sought in this writ petition, this court, without going into the merits of the case, directs the first respondent to consider the petitioner's representation dated 09.04.2021 and pass appropriate orders, on merits and in accordance with law, after affording reasonable opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.



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

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Sd/-
Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

dhk

To

The District Collector/Sub Division Magistrate,
(Senior Citizen and Maintenance Welfare Tribunal)
Coimbatore,
Coimbatore District.

+1cc to the Government Pleader, S.R.No.42663

W.P. No. 17634 of 2021

SSV(CO)
RLP(23/09/2021)