



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. No. 16640 of 2021

Mangaiyargarasi

... Petitioner

Vs.

1. The District Collector,
Office of the District Collector,
Thiruvallur, Thiruvallur District.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Thiruvallur, Thiruvallur District.
3. The Sub Registrar, Office of the Sub Registrar,
Avadi, Chennai.
4. Girija

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to conclude the enquiry and pass an order in its proceedings bearing No.Na.Ka.2200/2019/A1 dated 03.12.2019 initiated on the complaint of the petitioner submitted for seeking an order to cancel the settlement deed in Doc. No.12090/2013 executed by the petitioner in favour of the 4th respondent, as per the provisions of Maintenance and Welfare of Parents and Senior Citizens Act 2007 & Rule.

For Petitioner : Mr.V.R.Appaswamee

For Respondents : Mr.G.Krishnaraja, Govt. Counsel
for R1 to R3



O R D E R

Mr.G.Krishnaraja, learned Government counsel takes notice for the respondents 1 to 3. By consent of both the parties, this writ petition is taken up for final disposal at the time of admission itself.

2.It is the case of the petitioner that she purchased two properties viz., one at No.101, Chinnamman Koil Street, Paruthipattu and another in S.No.394/2A of Paruthipattu Village measuring to an extent of 36 cents and she has been in possession and enjoyment of the same, from the date of purchase. She along with her husband performed the marriage of their daughter / fourth respondent with one A.K.Sudarmani in a grand manner by giving gold ornaments and house hold articles and Sridhanas. While so, believing the words of the fourth respondent that she would maintain the petitioner and her husband in good manner, the petitioner executed a settlement deed in respect of the aforesaid two properties in favour of the fourth respondent vide document no.12090/2013 dated 03/10/2013 on the file of SRO, Avadi. Thereafter, the fourth respondent failed to maintain the petitioner and her and neglected to provide the basic needs, medical expenses etc. to them. Feeling aggrieved, the petitioner filed a representation dated 25.01.2019 under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, to the respondent authorities, requesting to cancel the settlement deed. On receipt of the same, the second respondent initiated proceedings bearing No.Na.Ka.2200/2019/A1 dated 03.12.2019 and issued summons to both the parties. However, there was no progress with regard to the claim of the petitioner. Hence, the present writ petition came to be filed seeking a mandamus to the second respondent to conclude the enquiry and pass orders in the representation submitted by the petitioner seeking to cancel the settlement deed executed in favour of the fourth respondent.

3.Heard both sides and perused the materials placed before this court.

4.Considering the facts and circumstances of the case, more particularly that the second respondent already initiated proceedings, based on the representation dated 25.01.2019 under the provisions of the Maintenance and Welfare of Parents and



Senior Citizens Act, 2007, and having regard to the submissions made by the learned counsel on either side, this court directs the second respondent to conclude the enquiry after providing reasonable opportunity of hearing to the petitioner, fourth respondent as well as any other interested parties, and pass orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5. Accordingly, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

mst

To

1. The District Collector,
Office of the District Collector,
Thiruvallur, Thiruvallur District.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Thiruvallur, Thiruvallur District.
3. The Sub Registrar, Office of the Sub Registrar,
Avadi, Chennai.

+1cc to M/s.V.R.Appaswamee, Advocate, S.R.No.39301
+1cc to the Government Pleader, S.R.No.39743

W.P.No.16640 of 2021

RSV(CO)
SB(24/09/2021)