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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.NO.17546 OF 2021
AND
W.M.P.NO.18649 OF 2021

V. Bodiyammal ... Petitioner

Versus

1. The District Collector,
   Krishnagiri District,
   Krishnagiri.

2. The Revenue Divisional Officer,
   Revenue Divisional Office,
   Krishnagiri.

3. The Sub-Registrar,
   Uthangarai Sub-Registrar Office,
   Krishnagiri

4. V.Mariyappan
5. V.Govindaraj ... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the second respondent to consider the petitioner's application dated 29.11.2020 which was filed under Section 23 of Maintenance of Welfare of Parents and Senior Citizen Act to cancel the settlement deed executed in favour of the 4th and 5th Respondents in respect of the agriculture property comprised in S.Nos. 3/2C and 4/1C bearing Patta No.35 vide Document Nos.1902 and 1903 of 2019 and transfer the said property in favour of the petitioner within the time stipulated by this Court.

For Petitioner : Ms.K.Jenitha

For Respondents : Mr.Stalin Abhimanyu
Government Counsel
(For R1-R3)

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ORDER

This Writ Petition has been filed praying to issue a Writ of Mandamus directing the second respondent to consider the petitioner's application dated 29.11.2020 filed under Section 23 of Maintenance of Welfare of Parents and Senior Citizen Act to cancel the settlement deed executed in favour of the fourth and fifth Respondent in respect of the agriculture property comprised in S.Nos.3/2C and 4/1C bearing Patta No.35 vide Document Nos. 1902 and 1903 of 2019 and to transfer the said property in favour of the petitioner within the time stipulated by this Court.

2. According to the petitioner, she along with her husband purchased a land measuring 1.38 acres and 1.44 acres in Survey No.3/2C and Survey No.4/1C respectively. On 28.02.2000 her husband passed away leaving the petitioner and her sons as legal heirs. The petitioner further submits the fourth and fifth respondent induced her that for arrangement of pension she needs to sign some documents and accordingly the petitioner was made to sign certain documents. While so, when the other son of the petiitoner went to the land in question to prepare for agricultural work, the daughter of the fourth respondent and the fourth respondent prevented the other son of the petitioner from entering into the land by claiming that the petitioner had settled the land in favour of the fourth respondent. On coming to know the so-called transfer of the property by the petitioner in favour of the fourth respondent, the petitioner filed a suit for declaration to declare that the settlement deed dated 15.04.20119 is null and void. Further, the fourth respondent executed another settlement deed in favour of his wife on 29.11.2020 subsequent to the notice issued in O.S.No.106 of 2020. Pursuant to this, the petitioner on 29.11.2020 had submitted a representation to the second respondent, however, no action has been taken thereof.

3. Heard the counsel for the petitioner and the learned Government Counsel for the respondents 1 to 3.

4. Taking note of the averments made in the affidavit filed in support of the writ petition to the effect that the petitioner's sons, who are respondents 4 and 5 herein, have cheated the petitioner and transferred the property stood in the name, this court is of the view that the allegations made by the petitioner requires to be probed by conducting an enquiry. Accordingly, this Court directs the second respondent to consider the petitioner's representation dated 29.11.2020, after an opportunity of hearing to the petitioner as well as the respondents 4 and 5, conduct an enquiry and pass order on merits

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and in accordance with law within a period of six weeks thereafter.

5. Subject to the above observations, this Writ Petition stands disposed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

dhk/rsh

To

1. The District Collector,
   Krishnagiri District,
   Krishnagiri.

2. The Revenue Divisional Officer,
   Revenue Divisional Office,
   Krishnagiri.

3. The Sub-Registrar,
   Uthangarai Sub-Registrar Office,
   Krishnagiri.

+1cc to the Government Pleader, S.R.No.42662

W.P.NO.17546 OF 2021

PMK(CO)
PBS/21/09/2021

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