



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. NO. 18331 OF 2021

S.Jayaraman

.. Petitioner

Versus

1. The District Collector
Office of the Collectorate
Ranipettai
Ranipettai District
2. The Revenue Divisional Officer
Office of the Revenue Divisional Officer
Arakkonam, Ranipettai District
3. The Deputy Superintendent of Police
Office of the Deputy Superintendent of Police
Arakkonam, Ranipettai District
4. J.Gajendiran
5. J.Sekar
6. S.Yogesh

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to dispose of petitioners representation dated 15.12.2020 and 18.12.2020 made under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 within a time fixed by this Court.

For Petitioner : Mr.S.Vijay Anand

For Respondents : Mr.G.Krishnaraja
Government Counsel (R1 to R3)



ORDER

The present writ petition has been filed praying to issue a Writ of Mandamus directing the respondents 1 to 3 to dispose of the petitioner's representation dated 15.12.2020 and 18.12.2020 made under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 within a time to be fixed by this Court.

2. Mr.G.Krishnaraja, learned Government Counsel takes notice for the respondents 1 to 3. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner would state that he is the father of Respondents 4 to 5 and the sixth respondent is his grand son born to the fifth respondent. According to the petitioner, he is the owner of the property bearing Patta No. 24303, comprised in Survey No.284/1 at No. 73, Thanigaipolur Panchayat measuring 0.14.0 Ares (35 cents). The petitioner, out of natural love and affection, had settled 0.16 cents of the above said property to the fifth respondent by means of a settlement deed dated 11.07.2018 registered as document No. 2642 of 2018 on the file of Joint-2 Sub-Registrar, Arakkonam. Similarly, land measuring 0.19 cents was settled to the fourth respondent by a settlement deed dated 24.12.2018 registered as document No. 47 of 2019 on the file of Joint-2 Sub-Registrar, Arakkonam. On the basis of the said settlement deed, the fifth respondent had settled the same to his son i.e, the sixth respondent by a registered settlement deed dated 26.04.2019. While so, after settling all his property, the petitioner and his wife were driven out of the above stated property which necessitated the petitioner to take a rented house for his accommodation. The petitioner would further submit that he and his wife were affected by Covid-19 infection and admitted to hospital, however, their sons did not take any care of them. In the above circumstances, the petitioner had given a complaint before the first respondent on 27.05.2019 under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and the same was forwarded to District Social Welfare Officer for counselling. Even though notice was sent to the fourth and fifth respondent for an enquiry, they did not appear. Once again, the petitioner made a representation on 06.01.2020 for cancellation of the settlement deed made in favour of the fourth and fifth respondents and the same was forwarded to District Registrar (Administration), Registration District of Arakkonam, who in turn sent a letter dated 14.01.2020 stating that it is the petitioner, who executed the settlement deed alone can cancel it by means of a deed of cancellation. Thereafter, a further representation dated 15.12.2020 and 18.12.2020 were sent to the respondents 1 to 3 seeking to take action against the fourth and fifth respondent



under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, but no action was taken thereof. Hence, the present writ petition is filed.

4. The learned counsel for the petitioner submits that a direction may be issued to the respondents 1 to 3 to consider the representations dated 15.12.2020 and 18.12.2020 sent by the petitioner and to pass orders thereof on merits.

5. On the above contention, this Court heard the learned Government Advocate appearing for the respondents 1 to 3 and perused the material records.

6. In view of the limited prayer sought for in this Writ Petition, this court directs second respondent herein to consider the petitioner's representations dated 15.12.2020 and 18.12.2020 and pass orders thereon, after affording an opportunity of hearing to the petitioner and respondents 4 to 6, on merits in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar

dhk/rsh

To

1. The District Collector,
Office of the Collectorate,
Ranipettai,
Ranipettai District.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Arakkonam, Ranipettai District.
3. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Arakkonam, Ranipettai District.

+2ccs to Mr.S.Vijay Anand, Advocate, S.R.No.44037
+1cc to the Government Pleader, S.R.No.44263

W.P. No.18331 of 2021

PA(CO)
RLP(06/10/2021)