



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 18956 of 2021

D.Umapathy

...Petitioner

Versus

1.The District Collector
Chengalpattu District

2.Superintendent of Police
Chengalpattu

3.Revenue Divisional Officer
Tambaram
Chengalpattu

4.U.Saravanan

5.Uma Maheswari

...Respondents

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 of the complaint dated 19.3.2021 made by the petitioner within stipulated time to be fixed by this Court.

For Petitioner : Mr.M.Prabakaran

For Respondents : Mr.G.Krishnaraja
Government Counsel for RR1 to 3

O R D E R

The present writ petition has been filed seeking to direct the first respondent to dispose of the complaint dated 19.3.2021



made by the petitioner within stipulated time to be fixed by this Court.

2. According to the petitioner, he married one Lakshmi and out of such wedlock, he was blessed with two children and they are the fourth respondent herein and daughter Logeshwari. It is stated that the petitioner's daughter was given in marriage in the year 1999 and she had two children. The son in law of the petitioner died and therefore, his daughter contracted a second marriage and peacefully living in Pondicherry along with her second husband. While so, on 27.09.2020, the petitioner's wife Lakshmi died and after her demise, the relationship between the petitioner and his daughter in law, the fifth respondent, strained. Therefore, the petitioner was residing alone in his own house at Door No.25, 25th Pillaiyar Koil Street, Kannivakkam, Guduvancherry, Chengalpattu District. The petitioner also stated that he had executed a Will dated 26.06.2015 registered as document No. 16 of 2015 in the office of the Sub-Registrar, Thiruporur by which he had bequeathed the house property in favour of his grand sons born to his daughter. On coming to know about the execution of the Will, the fourth and fifth respondent herein, who are the petitioner son and daughter-in-law, have repeatedly nagged him to cancel the Will, but he refused to budge. On such refusal, the respondents 4 and 5, along with their henchmen, trespassed into his property, physically assaulted him and demanded him to disclose the whereabouts of the title deeds, jewels and other valuables. As the petitioner is aged and is suffering from cardiac ailment, he revealed the place where he had kept the title deeds etc., under threat and coercion. Not satisfied with the same, the petitioner was taken to the office of the Sub-Registrar, Thiruporur where he was made to execute a document dated 04.03.2021 titled as Cancellation of Will which was registered as document No. 8 of 2021, thereby the Will executed by him in favour of his grand sons was cancelled. Subsequently, on 05.03.2021, the petitioner was once again taken to the Sub-Registrar, Porur to execute a Settlement deed in favour of the fifth respondent/daughter in law which was registered as document No. 3976 of 2021. After draining all the wealth of the petitioner, such as cash, jewels and property, he was thrown out of his own property. Thereafter, the petitioner submitted a complaint on 09.03.2021 to the jurisdictional police besides submitting a representation dated 20.03.2021 to the first respondent under Sec.23 of the



Maintenance and Welfare of Parents and Senior Citizen Act, 2007 seeking to cancel the settlement deed which was executed by him under threat and coercion. On receipt of the complaint dated 20.03.2021, the first respondent forwarded it to the third respondent for taking appropriate action. However, the third respondent did not take any action on the representation of the petitioner and therefore, he has filed this writ petition.

3. Heard the learned counsel for the petitioner and the learned Government Counsel for the respondents. In the affidavit filed in support of the writ petition, the petitioner has raised serious allegations as to how he was coerced and threatened to cancel the Will executed by him as also a Settlement Deed, setting the property covered under the Will, in favour of the fifth respondent. It is also stated that after execution of such documents, the petitioner was thrown out from his own property and therefore, he has given a representation dated 20.03.2021 to the first respondent and it was forwarded to the third respondent for taking necessary action.

4. Taking note of the above facts, without going into the merits of the case, the third respondent is directed to consider the representation dated 20.03.2021 of the petitioner, afford an opportunity of hearing to him and the respondents 4 and 5, conduct an enquiry and pass appropriate orders thereof, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the aforesaid direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-VII)

// True Copy //

Sub Assistant Registrar

dhk/rsh

To

1.The District Collector
Chengalpattu District



2. Superintendent of Police
Chengalpattu

3. Revenue Divisional Officer
Tambaram
Chengalpattu

+2cc to Mr. Mr. M. Prabakaran, Advocate SR.No.45650

+1cc to the Government Pleader SR.No.46145

WP No.18956 of 2021

CP(CO)
RVM(05/10/2021)