



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 18607 of 2021

M. Thangarasu

.. Petitioner

Versus

1. The Revenue Divisional Officer
Villupuram
Villupuram District

2. T.Murugan

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent to pass order cancelling the settlement deed executed by the petitioner in favour of the second respondent, dated 17.03.2021 in Document No.521/2021 on the file of the Sub-Registrar Office, Kandamangalam based on the representation of the petitioner, dated 09.08.2021 under Sections 5 and 23 of the Maintenance and Welfare of Parents and senior Citizens Act, 2007 within a time frame to be fixed by this Court.

For Petitioner : Mr. C. Munusamy

For Respondents : Mr. Stalin Abhianyu
Government Counsel for R1

O R D E R

This writ petition is filed seeking a direction to the first respondent to pass an order cancelling the settlement deed executed by the petitioner in favour of the second respondent on 17.03.2021 which was registered as document No.521/2021 on the file of the Sub-Registrar Office, Kandamangalam based on his representation dated 09.08.2021 made under Sections 5 and 23 of the Maintenance and Welfare of Parents and senior Citizens Act, 2007.

2. Mr. Stalin Abhimanyu, learned Government Counsel takes notice for the 1st respondent. By consent, this Writ Petition is



taken up for final disposal at the admission stage.

3. The petitioner is the father of the second respondent. Apart from the 2nd respondent, the petitioner has got another son and two daughters and they are married and living with their respective family. The petitioner's elder son died leaving behind his wife and son namely Kamalraj as his legal heirs. After the demise of his wife, the petitioner depended upon the younger son, the petitioner herein. According to the petitioner, his younger son enticed him to sign some documents under the pretext of getting Government aid but making use of the same, he had registered a settlement deed in his favour as if the petitioner settled his self acquired properties in his name. The petitioner came to know the registration of the settlement deed and when it was questioned, the second respondent thrown him out of his own house. In this circumstance, the petitioner made a representation 09.08.2021 before the 1st respondent against the 2nd respondent under the provisions of Maintenance and Welfare of Parents and Senior Citizen Act, 2007 to cancel the settlement deed executed in favour of the 2nd respondent. As there is no response to the representation, the petitioner has approached this Court with the aforesaid relief.

4. Mr. Stalin Abhimanyu, learned Government Advocate appearing for the respondents submitted that a direction may be given to the first respondent to consider the representation dated 09.08.2021 of the petitioner filed under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007.

5. Taking note of the submissions of the counsel for both sides and the facts and circumstance of the case, this Court directs the first respondent to consider the representation made by the petitioner on 09.08.2021 filed under the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007, conduct an enquiry, afford an opportunity of hearing to the petitioner as well as the 2nd respondent and pass final orders on merits and in accordance with law within a period of ten weeks from the date of receipt of a copy of this order.

6. With the aforesaid direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

vum/rsh



To

The Revenue Divisional Officer,
Villupuram,
Villupuram District.

WP No. 18607 of 2021

PM(CO)
SU(08/10/2021)