



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.21220 of 2019

K.Ganesan

... Petitioner

Vs

1. The Revenue Divisional Officer
cum Presiding Officer, Tribunal
for Maintenance and Welfare
of Parents and Senior Citizens Act
Perambalur, Perambalur District.

2. Bharathiraja

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to dispose of the petition viz. 1962/2018, dated 29.10.2018 filed under the Maintenance and Welfare of Parents and Senior Citizens Act, within the stipulated period and pass appropriate orders.

For Petitioner : Mr.A.S.Baalaji

For R1 : Mr.G.Krishnaraja
Government Advocate

For R2 : Mr.E.C.Ramesh

ORDER

This writ petition has been filed for issuing a mandamus directing the 1st respondent to dispose of the petition viz. 1962/2018, dated 29.10.2018 filed under the Maintenance and Welfare of Parents and Senior Citizens Act, within the stipulated period and pass appropriate orders.

2.According to the petitioner, he and his wife are residing in the ground floor and the 2nd respondent, who is his son along with his wife and children are residing in the first floor. Pursuant to the partition deed dated 12.04.2002, which was



entered into between the petitioner and his son, the agricultural lands and a house built at one end of the land are allotted to the petitioner. The son of the petitioner was creating problems in respect of the property allotted to the petitioner. Hence, the petitioner was constrained to file a petition in Petition No.1962 of 2018 on 29.10.2018 before the 1st respondent/Tribunal to evict his son from the first floor portion of the petitioner's property. As per the Maintenance and Welfare of Parents and Senior Citizens Act, the petition filed by the senior citizen shall be decided by the Tribunal within 90 days from the date of filing of the petition. After service of notice, till date, no step was taken on the said petition. Hence, this writ petition.

3.The learned counsel appearing for the petitioner submitted that it would suffice, if this Court issues direction to the 1st respondent to consider the petition filed by the petitioner and pass appropriate orders within the reasonable time.

4.The learned Government Advocate appearing for the 1st respondent submitted that the 1st respondent would consider the petition filed by the petitioner, if it is not disposed of earlier and pass appropriate orders on merits.

5.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the 1st respondent to consider the Petition No.1962 of 2018 filed by the petitioner on 29.10.2018, if it is not disposed of earlier and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as any other interested parties, within a period of eight (8) weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

kj



To

WEB COPY

The Revenue Divisional Officer
cum Presiding Officer, Tribunal
for Maintenance and Welfare
of Parents and Senior Citizens Act
Perambalur, Perambalur District.

+1cc to the Government Pleader, S.R.No.29028

W.P.No.21220 of 2019

RK (CO)
PM(30/07/2021)