

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.NO.21325 OF 2021

1.M. Janakiraman  
2.J. Chandra

.. Petitioners

.Vs.

1. The Revenue Divisional Officer/  
Sub Collector,  
North Chennai Division,  
No.473, Tondiarpet High Road,  
Chennai 600 081.

2. J. Purushothaman  
3. L. Vatsala  
4. J.Saibaba  
5. A.Sathish Kumar

.. Respondents

Prayer:

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus to direct the first respondent to proceed, conduct enquiry and dispose of the petition of the petitioners dated 15.3.2021 under Section 5, 22 (1) & (2) and 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 within a time to be fixed by this Court.

|                                |   |                    |
|--------------------------------|---|--------------------|
| For Petitioner                 | : | Mrs.L.Sasireka     |
| For 1 <sup>st</sup> Respondent | : | Mr.G.Krishnaraja   |
|                                |   | Government Counsel |

ORDER

Mr.G.Krishnaraja, learned Government Counsel, takes notice for the first respondent. By consent of both the parties, this writ petition is taken up for final disposal at the time of admission itself.

2. According to the petitioners, they are the parents of the respondents 2 to 4 herein and they have also a younger daughter by name D.Hemalatha. They meet out their basic needs, such as food, clothing, accommodation and health care, out of the monthly rent derived from the property belonging to the first petitioner at bearing No.15/5, Theetithottam 1<sup>st</sup> Steet, Sembiam, Perambur, Chennai 600 011. The petitioners are now residing in the first floor and they permitted their younger daughter to reside in the ground floor portion of the said property.

3. It is the further case of the petitioners that after settling the self acquired property at Korattur in their favour, the respondents 2 to 4 did not maintain the petitioners and they further compelled the first petitioner to settle the Theetithottam property in their name. During the month of October 2020, they suddenly trespassed into the said property and dispossessed the younger daughter of the petitioners unlawfully, besides occupying the rented portion of the said property unauthorisedly. That apart, the respondents 2 to 4 sold their Korattur property to the fifth respondent for several lakhs without fulfilling their obligations towards their parents; and in this regard, civil suits are pending between the parties. In the said circumstances, the petitioners, while filing maintenance case before the Principal Family Court, Chennai, gave a petition dated 15.03.2021 under Sections 5, 22(1) & (2) and 23(1) of the Maintenance and Welfare of the Parents and Senior Citizens Act, 2007 to the first respondent seeking to restore the monthly rental portion, which is illegally occupied by the respondents 2 to 4 for their livelihood, declare the settlement deed executed in their favour and subsequent sale deeds executed by them in favour of the 5<sup>th</sup> respondent as null and void, and also direct them to pay monthly maintenance towards the petitioners' medical and other expenses. However, the said petition was not considered by the first respondent, till date. Therefore, the petitioners have come up with writ petition seeking appropriate direction to the first respondent in this regard.

4. Heard both sides and perused the materials placed before this court.

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 first respondent to consider the petition submitted by the petitioners dated 15.03.2021, after issuing due notice to all the parties including the respondents 2 to 6 and pass appropriate orders, on merits and in accordance with law, within a period of eight 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

//True Copy//

Sub Assistant Registrar

msr

To

The Revenue Divisional Officer/  
Sub Collector,  
North Chennai Division,  
No.473, Tondiarpet High Road,  
Chennai 600 081.

+1cc to Mrs.L.Sasireka, Advocate, S.R.No.51775  
+1cc to the Government Pleader, S.R.No.51993

W.P.No.21325 of 2021

PA(CO)  
PM/28/10/2021