



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 20403 of 2021

V. Krishnamurthy

.. Petitioner

Versus

1.The District Collector
O/o. the District Collector
Chennai Collectorate
Singaravelar Maligai
Rajaji Salai, Chennai - 600 001.

2.The District Revenue Officer
O/o.the District Revenue Officer cum Presiding Officer
Senior Citizen Welfare Tribunal
Chennai Collectorate
Singaravelar Maligai
Rajaji Salai, Chennai - 600 001.

3.The District Registrar
North Chennai Registering District

Kuralagam
Chennai - 600 104.

4.The Sub - Registrar
Sub-Registrar Office
Tiruvattiyur
Chennai - 600 019.

5.K. Dinesh Kumar

6. D. Manju Barghavi

7.K.Preethi

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to take appropriate legal action against the Respondents 5 to 7 based upon the petitioner's petition dated 06.07.2021 under the relevant provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 regarding the cancellation of illegal Settlement Deeds namely Document Nos. 8529/2015, 8530/2015 dated 23.11.2015 and 6406/2019 dated 16.08.2019 on the



file of S.R.O. Thiruvottiyur executed by the Respondents 4 and 5 with the help of the then 3th respondent.

For Petitioner : Mr. A. Prakash

For Respondents : Mr. Stalin Abhimanyu for (R1 to R4)
Government Counsel

O R D E R

Mr. Stalin Abhimanyu, learned Government Counsel takes notice for the respondents 1 to 4. By consent of both the parties, the writ petition is taken up for final disposal at the time of admission itself.

2. The relief sought in this writ petition is to issue a mandamus, directing the 2nd respondent to take appropriate legal action against the respondents 5 to 7 based upon the petitioner's representation dated 06.07.2021 under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 regarding the cancellation of illegal Settlement Deeds viz., Document Nos.8529/2015 and 8530/2015 dated 23.11.2015 and 6406/2019 dated 16.08.2019 on the file of S.R.O. Thiruvottiyur executed by the respondents 4 and 5 with the help of the then 3rd respondent.

3. According to the petitioner, he married K. Kalavathy @ Kala and out of such wedlock, three children were born namely (i) K.K. Chenthil Kumar @ Senthil Kumar (ii) Dinesh Kumar (fifth respondent) and (iii) Preethi (seventh respondent). The sixth respondent is the daughter in law of the petitioner. It is further stated that the petitioner had raised his children and given them good education. Further, with his hard earned money he had purchased various properties which he had settled in favour of his wife and three children on 02.07.2009. However, the fifth and seventh respondents have taken his wife to the office of the Sub-Registrar, Thiruvottiyur where they have registered two settlement deeds bearing document Nos. 8529 and 8530 of 2015 by which certain properties of the petitioner were alienated without giving any share to his elder son Senthil Kumar. After executing the settlement deeds, the fifth, sixth and seventh respondents have not bothered to care the petitioner either by visiting him personally or by making phone calls. It is also alleged that the fifth respondent had stolen all the original title deeds of the properties in the custody of the petitioner, when he was hospitalised and taking treatment for hydrosil and settled those properties in the name of his wife / sixth respondent. When it was questioned, the respondents 5 to 7 have threatened the petitioner with dire consequences. Therefore, the petitioner sent a representation dated 06.07.2021



to the respondents 2 to 4 invoking the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 requesting to get the settlement deeds executed by the respondents 5 to 7 cancelled. He also sent legal notices on 08.07.2021 through his advocate calling upon the respondents 5 to 7 to desist from taking any step to alienate the properties settled in their favour. Since the said representation was not considered, the petitioner has filed the present writ petition for the aforesaid relief.

4. Heard the learned counsel for both sides and perused the records. The petitioner in his representation dated 06.07.2021 has raised serious allegations as against his son, daughter-in-law and daughter / respondents 5 to 7 to the effect that they have neglected him, after getting the properties settled in their favour. He has also alleged that the original title deeds were stolen from his custody by the fifth respondent and his hard earned properties were alienated by executing settlement deeds among the respondents 5 to 7. Such allegations made by the petitioner warrant a detailed enquiry to be conducted by the second respondent, on merits, in the opinion of this court.

5. Accordingly, this writ petition stands disposed of, directing the second respondent to consider the petitioner's representation dated 06.07.2021 and pass appropriate orders on merits and in accordance with law, after affording reasonable opportunity of hearing to the petitioner as well as the respondents 5 to 7, within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

dhk/rsh

To

1.The District Collector
O/o. the District Collector
Chennai Collectorate
Singaravelar Maligai
Rajaji Salai, Chennai - 600 001.



2.The District Revenue Officer
O/o.the District Revenue Officer cum Presiding Officer
Senior Citizen Welfare Tribunal
Chennai Collectorate
Singaravelar Maligai
Rajaji Salai, Chennai - 600 001.

3.The District Registrar
North Chennai Registering District
Kuralagam
Chennai - 600 104.

4.The Sub - Registrar
Sub-Registrar Office
Tiruvattiyur
Chennai - 600 019.

+2cc to Mr.M.Vignesh, Advocate, S.R.No.48901

WP No. 20403 of 2021

AD(CO)
CT/13/10/2021