



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.20927 of 2021

N. Sambanda Mudaliyar .. Petitioner

Versus

1. The District Collector
Singaravelan Maligai
Chennai District
Chennai

2. Social Welfare Officer,
Social Welfare Department,
Singaravelan Maligai
Chennai District
Chennai

3. The Revenue Divisional Officer
Guindy Division
Chennai

4. S. Srinivasan .. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the third respondent to conduct an enquiry under the provisions of "The Tamilnadu Maintenance and Welfare of Parents and Senior Citizens rules 2009" for cancellation of settlement deeds registered as Document No. 955/2013 dated 23.8.2013 on the file of the Sub Registrar Office, Kodambakkam, Chennai executed in favor of the fourth respondent on the basis of the petitioner's representation dated 09.09.2019 and 02.03.2020.

For Petitioner : Mr. R. Venkatesh
For Respondents : Mr. G. Krishnaraja
Government Advocate for R1 - R3

ORDER

Mr. G. Krishnaraja, learned Government Counsel takes notice for the respondents 1 to 3. By consent of both the parties, the writ petition is taken up for final disposal at the time of admission itself.

2. The petitioner stated that he purchased the property comprised in R.S. No. 99/14, R.S. Street, 4th Srinivasa Perumal Sannadhi, Royapettah, Chennai - 600 014 measuring 1500 square feet by means of a sale deed dated 09.01.1964 registered as document No. 41 of 1964 on the file of Sub-Registrar, Royapettah. Out of his



love and affection, he settled the said property in favour of his son, the fourth respondent herein, by way of a settlement deed dated 23.08.2013 registered as document No. 955 of 2013. However, the settlement is not absolute inasmuch as the petitioner retained his right to get the rental income from the property till his life time. It is further stated that the petitioner suffered cardiac ailment and was admitted in Vijaya Hospital, Chennai, where he underwent a bye-pass surgery; and at that time, the fourth respondent neglected him and did not assist him in times of need, but he received the rental income. In this context, the petitioner submitted a representation dated 09.09.2019 to the respondents 1 and 2 to initiate appropriate action against the fourth respondent and to cancel the settlement deed dated 23.08.2013 executed by him. In the meantime, the fourth respondent, apprehending that the petitioner may cancel the settlement deed dated 23.08.2013 has filed a suit in O.S. No.2488 of 2014 and the same was decreed in favour of the fourth respondent declaring that settlement deed dated 23.08.2013 is valid. Aggrieved by the same, the petitioner made a reminder letter to the third respondent on 02.03.2020 seeking to cancel the settlement deed dated 23.08.2013 executed in favour of the fourth respondent. Finding no response on the same, he has come up with this writ petition seeking appropriate direction to the third respondent.

3. The learned counsel for the petitioner submitted that the petitioner is a senior citizen and aged about 84 years. Despite the receipt of his representation dated 09.09.2019 followed by a reminder letter dated 02.03.2020, no enquiry was conducted nor any action was taken thereof. Therefore, the learned counsel prayed for a direction to the third respondent to pass appropriate orders on the representations dated 09.09.2019 and 02.03.2020 of the petitioner within a stipulated time.

4. Heard both sides and perused the records. Considering the facts and circumstances of the case and having regard to the submissions made on either side, this court, without going into merits of the case, directs the third respondent to consider the latest representation of the petitioner dated 02.03.2020 under the Maintenance and Welfare of the Parents and Senior Citizens Act, 2007, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as the fourth respondent, 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.

dhk/rsh

-Sd/-
Assistant Registrar

TRUE COPY

Sub-Assistant Registrar



To

1. The District Collector
Singaravelan Maligai
Chennai District
Chennai
2. Social Welfare Officer,
Social Welfare Department,
Singaravelan Maligai
Chennai District
Chennai.
3. The Revenue Divisional Officer
Guindy Division
Chennai.

+1 CC to Government Pleader, High Court, Madras Sr.No.51292

+1 CC to Mr.R.VENKATESH, Advocate SR.No.50673

WP No. 20927 of 2021

AK-II (CO)
GS (20/10/2021)