



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.20738 OF 2021

P.Neelammal

...Petitioner

Versus

1. The District Collector,
Perambalur District,
Perambalur - 621 212.
2. The Revenue Divisional Officer,
Perambalur RDO Office,
Super Nagar, Perambalur - 621 212.
3. The Sub Registrar.
Maharasa Road, Super Nagar,
Perambalur District
Perambalur - 621 212.

4. D.Vellayammal

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the second respondent herein to consider the petitioner's representation dated 21.09.2021 to cancel the Settlement Deed No.83 of 1990, dated 22.01.1990 registered before the third respondent within stipulated time fixed by this Court.

For Petitioner : Mr.M.Balaji

For Respondents : Mr.V.Veluchamy (R1 to R3)
Government Advocate.

ORDER

This writ petition has been filed for issuance of Writ of Mandamus, direction to the respondents to consider the representation of the petitioner dated 21.09.2021 to cancel the Settlement Deed No.83 of 1990 dated 22.01.1990 registered before



the third respondent within stipulated time fixed by this Court.

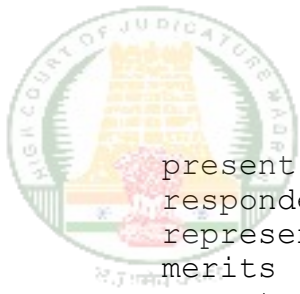
2. According to the petitioner, she is a senior citizen who aged about 71 years, W/o.Perumal, residing at No.132A, West Street, 1st Ward, Elambalur, Perambalur District-621 212. Subsequently, her father Venkatachalam Chetty and her mother Alamelu had executed a settlement deed in Document No.1039 of 1976, the aforesaid property was settled in favour of the petitioner by her parents in respect of Punchai Land in Survey No.62/3 in Acre 1.40 on the file of Sub Registrar Office, Perambalur in Document No.83 of 1990 Book No.1, dated 22.01.1990. Thereafter, the petitioner's daughter/4th respondent herein would take good care of her after settlement. But his daughter does not take care of her properly and she kicked her out without even giving her proper food. Hence, the petitioner made a representation to the respondents 1&2 o 21.09.2021 under Maintenance and Welfare of Parents and Senior Citizens Act, 2007, requesting them to cancel the settlement deed registered No.83 of 1990, but there was no action taken by the respondents till date against which the petitioner is not able to see light at the end of the tunnel since then. Hence this petition.

3. The learned counsel appearing for the petitioner submitted that Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 observed as follows.-

"Where any senior citizen who after the commencement of this Act, has transferred by way of gift or otherwise his property, subject to the condition that the transferee shall provide the basic amenities and basic physical needs to the transferor and such transferee refuses or fails to provide such amenities and physical needs, the said transfer of property shall be deemed to have been made by fraud or coercion or under undue influence and shall at the option of the transferor be declared void by the Tribunal"

4. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the 2nd respondent to consider the petitioner's representation dated 21.09.2021 and dispose of the same within a stipulated time that may be framed by this Court.

4. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the



present writ petition, the Writ Petition is disposed of, the 2nd respondent is directed to consider the petitioner's representation dated 21.09.2021 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner and to conduct de nova enquiry, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

gba/msm

To

1. The District Collector,
Perambalur District,
Perambalur - 621 212.
2. The Revenue Divisional Officer,
Perambalur RDO Office,
Super Nagar,
Perambalur - 621 212.
3. The Sub Registrar.
Maharasa Road,
Super Nagar,
Perambalur - 621 212.

+1cc to Mr.P.Kumar, Advocate, S.R.No.50700
+1cc to the Government Pleader, S.R.No.50866

W.P.No.20738 of 2021

KG(CO)
PM/27/10/2021