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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.21173 of 2021

Saradha

.. Petitioner

Versus

1. The District Collector
Office of the District Collector
Chennai District
2. The Sub Divisional Magistrate Cum
Revenue Divisional Officer
Tribunal for Parents and Senior Citizens
Welfare Maintenance Act 2007
Office of the RDO-Chennai North
Tondiarpet
Chennai - 600 081
3. The Sub-Registrar
Office of the Sub-Registrar
Thiruvottriyur
Chennai - 600 019
4. Felix

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to directing the respondent particularly the 2nd respondent to complete the enquiry in the above said application dated 04.11.2020 filed by the petitioner expeditiously within a time limit framed by the Hon'ble High Court.

For Petitioner : Mr.G.Mohammed Aseef

For Respondents : Mr.Stalin Abhimanyu
Government counsel for R1 - R3



ORDER

Mr. Stalin Abhimanyu, 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. According to the petitioner, she married one Rajan, after the demise of his first wife by name, Mariya Korattire. The fourth respondent was born to him through the first wife. In the year 2003, the petitioner's husband purchased a property comprised in Survey No.66, 69/G situated at Thiruvallur District, measuring to an extent of 1221 sq.ft from and out of his earnings, in his name by Doc.No.4448/2003 dated 04.11.2003, on the file of the Sub Registrar, Thiruvotriyur. Subsequently, they constructed a house in the said property. At that time, without the knowledge of the petitioner, the fourth respondent made a settlement deed fraudulently in respect of half portion of the said property measuring to an extent of 610 ½ sq.ft. in his name and in the year 2010, he wantonly left the family and started living separately. Thereafter, when the petitioner's husband was suffering from serious health issues and he is under continuous treatment, the fourth respondent did not take care of him and pay any amount towards medical expenses. Therefore, the petitioner decided to sell the said property in order to settle the debts due to the creditors and at that time, it was reflected in the encumbrance certificate that the fourth respondent is the owner of half portion of the said property by way of settlement deed. Feeling aggrieved, she filed an application on 04.11.2020 before the second respondent under the Maintenance and Welfare of the Parents and Senior Citizens Act, requesting to cancel the settlement deed executed on 10.11.2003 bearing Doc.No.4538/2003 in favour of the fourth respondent. However, no action was taken on the said application. Therefore, the petitioner has filed this writ petition seeking appropriate direction to the second respondent in this regard.

3. Heard both sides and perused the documents enclosed in the typed set of papers.

4. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this court, without going into merits of the case, directs the second respondent to consider the application of the petitioner dated 04.11.2020 and pass appropriate orders, on merits and in accordance with law, after affording due 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.



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5. With the aforesaid direction, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

dhk

To

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Office of the RDO-Chennai North
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3. The Sub-Registrar
Office of the Sub-Registrar
Thiruvottriyur, Chennai - 600 019

+1cc to Mr.G.Mohammed Aseef, Advocate, S.R.No.51326
+1cc to the Government Pleader, S.R.No.51592

WP.No.21173 of 2021

PMK(CO)
CS/08/11/2021