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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.21650 of 2021
and W.M.P.No.22830 of 2021

A.Venkatesan

...Petitioner

Versus

1. The Revenue Divisional Officer,
Collectorate,
Salem.

2. Mr.Arumugam

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the first respondent to furnish the copy of the application and other documents if any filed by 2nd respondent under Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and to hold enquiry by providing sufficient opportunity to petitioner.

For Petitioner : Mr.M.Mohamed Riyaz
For Respondent - 1 : Mr.G.Krishnaraja,
Government Counsel

O R D E R

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

2.The present writ petition has been filed by the petitioner seeking a mandamus directing the first respondent to furnish a copy of the application and other documents, if any, filed by the second respondent under Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as 'Act') and hold enquiry by providing sufficient opportunity to him.



3.It is the case of the petitioner that he was taking care of his parents and maintaining them in good manner. While so, his father / second respondent herein, executed a settlement deed in his favour, vide Document No.1402/2004, on the file of the Joint Sub Registrar IV, Salem. When the things stood thus, the petitioner's second sister Yasotha, after married with one Parivallal, started giving trouble to the petitioner. His elder sister filed a civil suit, which ended in dismissal and subsequently, she filed appeal suit, which was also dismissed and thereafter, went on further appeal in SA.No.1234 of 2014, which is pending before this court. Besides that, the petitioner's sisters and brother-in-laws on 07.03.2019, trespassed into the petitioner's property and caused damaged to the same, which led to registration of FIR in Cr.No.4 of 2020 on the file of Yercaud Police Station. Having failed in all their attempts, they instigated the second respondent and made an application under the Maintenance and Welfare of the Parents and Senior Citizens Act, 2007 before the first respondent. Upon receipt of the said application, the first respondent issued summons to the petitioner. However, a copy of the application and the documents enclosed by the second respondent have not been furnished to him, despite repeated requests made by him. Therefore, this writ petition.

4.Heard the learned counsel on both sides and perused the materials placed before this Court.

5.Considering the limited relief sought by the petitioner, this Court, without going into the merits of the case, directs the first respondent to furnish a copy of the application filed by the second respondent and the documents, if any, furnished by him, to the petitioner and thereafter, proceed with the enquiry, in accordance with law.

6.This Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mrr



To

The Revenue Divisional Officer,
Collectorate,
Salem.

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+1CC to Mr.M.Mohamed Riyaz, Advocate, Sr.No.52387

+1CC to Mr.Government Pleader, Sr.No.52800

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NK (CO)

K.RK. (02.11.2021)