

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2021

C O R A M

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.19883 of 2020

Poorasami

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Ariyalur District,
Ariyalur.

2.The Sub Collector,
Collectorate,
Ariyalur District,
Ariyalur.

3.The District Revenue Officer,
Collectorate,
Ariyalur District,
Ariyalur.

4.The Revenue Divisional Office,
Udayarpalayam taluk,
Udayarpalayam,
Ariyalur District.

5.The Sub Registrar,
Irumpulikurichi,
Ariyalur District.

6.Ambigapathi

7.Gurunathan

8. Pourkodi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents 1 to 5 to consider the petitioner's representation dated 18.11.2020.

For Petitioner : Mr.A.Gouthaman
For Respondents 1 to 4 : Mr.V.Shanmuga Sundar
Special Government Pleader
For Respondent 5 : Mr.T.M.Pappaiah
Special Government Pleader

O R D E R

This writ petition has been filed for a mandamus seeking for a direction to the respondents 1 to 5 to consider the petitioner's application dated 18.11.2020 filed before the first respondent under the provisions of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 against the respondents 6 to 8 and pass final orders within a time frame to be fixed by this Court.

2. The case of the petitioner is that he is aged 80 years old and his wife is aged 65 years and both of them are senior citizens. It is also his case that he settled his properties in favour the respondents 6 to 8 who are his children on the belief that they will maintain him properly. It is also his case that the respondents 6 to 8 failed to maintain him and his wife. In such circumstances, he has filed an application on 18.11.2020 before the first respondent against the respondents 6 to 8 under the provisions of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 seeking for cancellation of settlement deeds executed by him in their favour. However according to the petitioner, till date his application has not been considered by the first respondent. In such circumstances, this writ petition has been filed.

3. Heard Mr.AGouthaman, learned counsel for the petitioner, Mr.V.Shanmuga Sundar, learned Special Government Pleader for the respondents 1 to 4 and Mr.T.M.Pappaiah learned Special Government Pleader for the respondent 5. Since no adverse orders are passed against the respondents 6 to 8, notice to them is dispensed with by this Court.

4. The relief sought for in this writ petition is an innocuous one. The petitioner is a senior citizen aged 80 years and his wife is aged 65 years, as seen from the affidavit filed in support of this writ petition. The petitioner's case is that he has executed settlement deeds in favour of his children namely respondents 6 to 8 in this writ petition on the belief that they will maintain him and his wife during their life time. However, according to him, despite settling the properties in their favour, the respondents 6 to 8 have not maintained them.

He has filed an application before the first respondent on 18.11.2020 under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 against the respondents 6 to 8.

5. Admittedly, the said application has not been considered by the first respondent. No prejudice will be caused to the respondents, if the petitioner's application against the respondents 6 to 8 filed under the provisions of Maintenance and Welfare of Parents and Senior Citizen Act, 2007 is considered by the first respondent on merits and in accordance with law, after hearing all the necessary parties including the petitioner as well as the respondents 6 to 8.

6. For the foregoing reasons, this Court directs the first respondent to consider the petitioner's application dated 18.11.2020 filed against the respondents 6 to 8 under the provisions of Maintenance and Welfare of Parents and Senior Citizen Act, 2007 and pass final orders on merits and in accordance with law, after hearing all the necessary parties including the petitioner as well as the respondents 6 to 8 within a period of eight weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

nl
To

- 1.The District Collector,
Collectorate,
Ariyalur District,
Ariyalur.
- 2.The Sub Collector,
Collectorate,
Ariyalur District,
Ariyalur.
- 3.The District Revenue Officer,
Collectorate,
Ariyalur District,
Ariyalur.

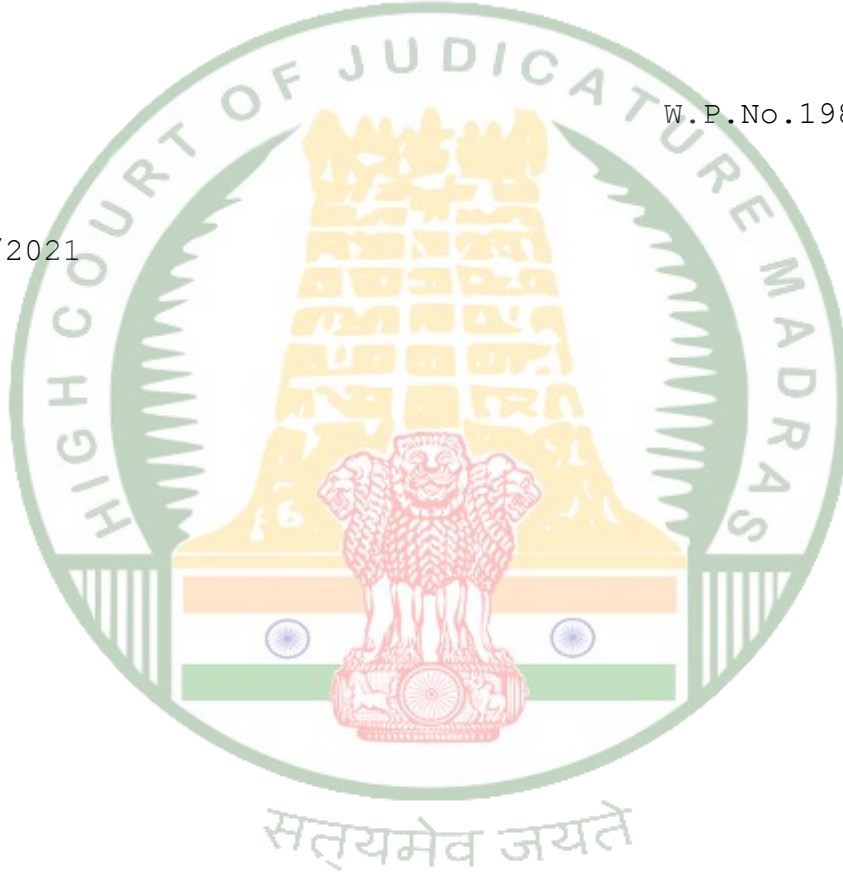
4.The Revenue Divisional Office,
Udayarpalayam taluk,
Udayarpalayam,
Ariyalur District.

5.The Sub Registrar,
Irumpulikulurichi,
Ariyalur District.

+1cc to Mr.R.Ramesh, Advocate Sr.3538

W.P.No.19883 of 2020

gp[co]
srg 10/02/2021



WEB COPY