



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.23904 of 2021

Senniyammal Ammasai

...Petitioner

Vs.

- 1.The District Collector,
O/o of the District Collector,
Erode District-638 005
- 2.The District Revenue Officer,
O/o of the District Revenue Officer,
Erode District-638 005
- 3.A.Subramani
- 4.A.Chinnasami
- 5.A.Palanisami

...Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus or any other appropriate Writ, Order or Direction in the nature of a Writ directing the 2nd Respondent to conclude the enquiry and dispose of the complaint of the Petitioner dated 26.08.2019 preferred under Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

For Petitioner	:	Mr.T.Gowthaman
For Respondent	:	Mr.V.Baranidharan Government Advocate

O R D E R

The petitioner has filed this petition under Article 226 of the Constitution of India to issue a writ of Mandamus or any other appropriate Writ, Order or Direction in the nature of a Writ directing the 2nd Respondent to conclude the enquiry and dispose of the complaint of the Petitioner dated 26.08.2019 preferred under Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

2. Mr. V. Baranidharan, learned Government Advocate takes notice for the first and second respondent. In view of the



limited relief sought for in this petition, on the consent expressed by the Learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner is a senior citizen. After the demise of her husband, the properties of petitioner's late husband were divided among the petitioner and the respondents 3 to 5. Thereafter the petitioner had been residing in the portion of the property which was partitioned and allotted to the 3rd and 5th Respondents and she was promised that the said portion will continue to be in her possession. Based on which, the petitioner signed the partition deed dated 11.02.2014 which came to be registered on the file of Joint I Sub-Registrar's Office, Erode. Thereafter, the petitioner was thrown out of the said house by her sons. Aggrieved by the same, the petitioner filed a complaint before the 1st Respondent on 07.01.2019. Subsequently, the 3rd Respondent gave an undertaking by way of a letter that he will take care of his mother which he failed to comply with against which the petitioner once again sent a complaint dated 26.08.2018 under Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 to the 2nd Respondent. However, till date no action was taken by the 2nd Respondent. Hence the present Writ Petition has been filed with the above relief.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 2nd Respondent to conclude the enquiry and dispose of the complaint of the petitioner dated 26.08.2019 within time frame fixed by this Court.

5. The learned counsel for the Respondents submits that the enquiry will be concluded within the time frame fixed by this Court.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the 2nd respondent to conclude the enquiry and dispose of the petitioner's complainant dated 26.08.2019 after affording an opportunity to the petitioner and the Respondents 3 to 5 and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order. Accordingly, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

NHS



To

1.The District Collector,
O/o. The District Collector,
Erode District - 638 005.

2.The District Revenue Officer,
O/o. The District Revenue Officer,
Erode District - 638 005.

+1cc to Mr.T.Gowthaman, Advocate, S.R.No.57422

+1cc to the Government Pleader, S.R.No.57901

W.P.No.23904 of 2021

GPL(CO)
RVM(03/12/2021)