



WEB COPY

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2021

CORAM

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No. 24735 of 2021

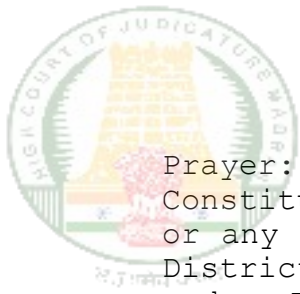
K.S. Muthu M/A 76
Son of Shanmugam Pillai
New No.38, Old No.17/1
Thiruvalluvar Colony
10th sector, 64th street
K.K.Nagar,
Chennai - 600 078

.. Petitioner

Versus

1. The District Collector,
Chennai District
Rajaji Salai
Chennai - 600 001
2. The District Revenue Officer,
Chennai District
Chennai
3. The Revenue Divisional Officer,
Central Chennai Division
Ambattur taluk
Chennai - 600 040
4. M.Manikandan @ manibharathi
Son of K.S.Muthu
New No.38, Old No.17/1
Thiruvalluvar Colony
10th sector, 64th street
K.K.Nagar
Chennai - 600 078
5. Sempon Permanent Fund Limited
Post box No.874, 111
Madhavaram High road
Perambur

.. Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of WRIT OF MANDAMUS or any other writ or order or direction to the 1st Respondent, District Collector of Chennai District to initiate enquiry under The Maintenance & Welfare of the Parents and Senior citizen Act, 2007 in view of the petitioner representations dated 14.02.2019 and 23.03.2021.

For Petitioner : Mr. M.Guruprasad
For Respondents : Mr.M.R.Gokul Krishnan
Government Advocate

O R D E R

This writ petition has been filed for seeking issuance of WRIT OF MANDAMUS or any other writ or order or direction to the 1st Respondent, District Collector of Chennai District to initiate enquiry under The Maintenance & Welfare of the Parents and Senior citizen Act, 2007 in view of the petitioner representations dated 14.02.2019 and 23.03.2021.

2.The case of the petitioner is that the petitioner is a Senior Citizen. He was allotted one vacant site in R.S.No.251 part measuring at 635 sqft at No.38, New No.17/1, 10th sector, 64th street, Thiruvalluvar Nagar (Thiruvalluvar Colony), KodambakkamPudur part II, K.K.Nagar Chennai -78 by the Tamilnadu Slum Clearance Board. Initially the petitioner had two sons and one daughter. Thereafter the petitioner's wife, one son and one daughter are pre-deceased. Now the petitioner was survived by his elder son(4th respondent herein). The petitioner executed a settlement deed in favour of the 4th respondent in the year 2014. Thereafter the 4th respondent not taken care of the petitioner and not maintained the property. Hence, the petitioner wanted to recover the house property from the 4th respondent. For which, the petitioner made a representation to the 3rd respondent for taking action for cancelling the settlement deeds and for property maintenance, as the 3rd respondent is the competent authority as per Section 23(1) of Maintenance & Welfare of the parents and senior citizen Act, 2007. Till date the 3rd respondent not passed any order. Hence, the present writ petition is filed.

3.Mr.M.Guruprasad, learned Counsel appearing for the petitioner submits that this Court may issue a direction to the



3rd respondent to consider the representation made by the petitioner dated 14.02.2019.

4. Mr. M. R. Gokul Krishnan, learned Government Advocate appearing for the respondents submits that the petitioner without assigning any reason added 5th respondent as one of the party herein. However, this Court may issue a direction to the 3rd respondent of the to pass appropriate orders after hearing and providing opportunities to the private respondent.

5. Heard the learned counsel for the petitioner and learned counsel for respondents and perused the materials placed on record.

6. Considering the facts and circumstances of the case, the Government Advocate take notice on behalf of official respondents. Since, no adverse orders are passed against 4th and 5th respondents in this writ petition, notice to the 4th and 5th respondent is dispensed with.

7. Considering the limited request made by the petitioner, this Court is inclined to issue a direction to the 3rd respondent to consider the petitioner application under the The Maintenance & Welfare of the Parents and Senior citizen Act, 2007 after affording opportunity to the private respondents in accordance with law within a period of twelve weeks from the date of copy of this order.

8. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

Sma

1. The District Collector,
Chennai District
Rajaji Salai
Chennai - 600 001



2. The District Revenue Officer,
Chennai District
Chennai

3. The Revenue Divisional Officer,
Central Chennai Division
Ambatturtaluk
Chennai - 600 040

+1cc to Mr.M.Guruprasad, Advocate, S.R.No.59902

+1cc to the Government Pleader, S.R.No.59967

W.P. No. 24735 of 2021

KG(CO)
SU(14/12/2021)