



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD).No.13333 of 2021

R.Subulakshmi

...Petitioner

Vs

1.The District Collector/Appellate Tribunal,
For Senior Citizen Maintenance & Welfare,
Madurai District,
Madurai.

2.Revenue Divisional Officer/ Tribunal for
Senior Citizen Maintenance & Welfare,
Madurai.

3.Manickavasuki

4.M.Guruvammal

... Respondents

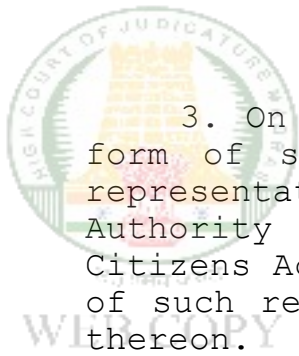
Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the second respondent to dispose petitioner representation dated 15.06.2021, relating with the payment of maintenance by the third and fourth respondent and to declare the gift deed dated 15.12.2014, executed by petitioner in their favour, is null and void as accordance with law, within a time frame.

For Petitioner : Mr.R.Suriyanarayanan
For R1 & R2 : Mr.R.Baskaran
Counsel for State

ORDER

The petitioner is a senior citizen who claims maintenance from the third and fourth respondents and also a declaration that a gift deed dated 15.12.2014, which was executed in favour of the third and fourth respondents by the petitioner, is null and void.

2. The petitioner states that she inherited a property at Kinnimada Theru, Sholavanthan Village, Vadipatti Taluk, Madurai District, from her mother under a registered Settlement Deed dated 06.05.1989. She was residing in the said property along with the other members of her family. After the death of her husband in 2007, she states that she is in need of money for her day-to-day expenses. But her daughters, namely, respondents 3 and 4 have failed to support her. Meanwhile, it is stated that she had executed a gift deed in favour of her daughters in the belief that they would look after her during her life time.



3. On account of the failure of the respondents to provide any form of support to her, the petitioner states that she made a representation to the second respondent, who is the Designated Authority under the Maintenance and Welfare of Parents and Senior Citizens Act 2007 (the Senior Citizens Act). In spite of the receipt of such representation, it is stated that no action has been taken thereon.

4. The Senior Citizens Act was enacted to ensure that the monetary and other needs of senior citizens are taken care of by members of their family. In specific, statutory rights have been conferred on senior citizens and such rights may be enforced in accordance with the said statute.

5. Subject to the aforesaid observations but without going into the merits of the matter, the second respondent herein is directed to consider the petitioner's representation dated 15.06.2021 and dispose of the same in accordance with law after providing a reasonable opportunity of hearing to the petitioner, the 3rd and 4th respondents herein and any others who would be affected by the outcome of such proceedings. Such reasoned order shall be passed within a period of three months from the date of receipt of a copy of this order.

6.W.P.(MD).No.13333 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sbm

To

1.The District Collector/Appellate Tribunal,
For Senior Citizen Maintenance & Welfare,
Madurai District, Madurai.

2.Revenue Divisional Officer/ Tribunal for
Senior Citizen Maintenance & Welfare,
Madurai.

+1 CC to M/s.GP (SR-25173[F] dated 04/08/2021)

W.P.(MD).No.13333 of 2021

03.08.2021