



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P. (MD) .No.13370 of 2021

Padmavathi

... Petitioner

Vs

1.The District Collector,
Thanjavur.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional officer,
Thanjavur.

3.Rajarajan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing second respondent to dispose the application filed by the petitioner on 08.06.2021 under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 within a reasonable period of time to be stipulated by this Court.

For Petitioner : Mr.P.Ganapathi Subramanian
For R1 & R2 : Mr.P.Subbaraj,
Counsel for State

ORDER

The petitioner is a senior citizen. She seeks the expeditious disposal of the representation made to the second respondent on 08.06.2021 under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

2. The petitioner states that her husband, Mr.Radhakrishnan, died on 23.03.2021. His legal heirs are the petitioner, the two daughters and one son of the petitioner. The petitioner further states that she resided at a property in R.P.Complex, Melpuram, Thirukaatupalli Main Road, Boothalur, Thanjavur, along with her elder daughter Sangeetha, who is a widow.

3. The petitioner refers to a will, which was executed on 02.02.2021 by her late husband, in terms of which the properties described in the A schedule thereto were bequeathed in favour of the petitioner. By the said will, properties were also bequeathed in favour of each of the legal heirs. In specific, D Schedule properties were bequeathed in favour of the third respondent herein.



4. After the death of the petitioner's husband, it is alleged that the third respondent is attempting to usurp the property which was bequeathed to the petitioner. In such circumstances, the petitioner submitted an application to the second respondent seeking cancellation of the will dated 02.02.2021.

5. Learned counsel for the petitioner reiterated the aforesaid statements from the affidavit and pointed out that the petitioner had erroneously requested for cancellation of the will, whereas the object and purpose is only to prevent the third respondent from usurping the property that was bequeathed to the petitioner by her husband.

6. Mr.R.Subbaraj, learned counsel for the State, accepts notice on behalf of both the official respondents and states that if an appropriate representation is submitted by the petitioner, the same would be considered and disposed of within a reasonable time frame by the second respondent.

7. Accordingly, without going into the merits of the matter, the petitioner is permitted to carry a fresh representation to the second respondent within a period of two weeks from the date of receipt of a copy of this order. Upon receipt thereof, the second respondent is directed to consider and dispose of such representation after conducting an inquiry and providing a reasonable opportunity to the petitioner, the third respondent herein and any others who would be affected by such order. Such reasoned order shall be passed within a period of two months from the date of receipt of a copy of the representation.

8. W.P.(MD).No.13370 of 2021 is disposed of on these terms, without any order as to costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sbm

To:

1.The District Collector,

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Revenue Divisional Officer,
Office of the Revenue Divisional officer,
Thanjavur.

+1 CC to M/s.GP (SR-25078[F] dated 03/08/2021)

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MGJ(09.08.2021) 3P 4C