



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.15601 of 2021

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K.M.H.Subaitha Beevi

... Petitioner

Vs.

The Collector,
Kanyakumari District,
Kanyakumari.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 03.08.2021 and thereby direct the respondent to cancel the patta in Survey Nos.273/3A, 270/8B in the name of the second son J.M.H.Jahir Hussain and the same was transferred to proper legal heirs and to relief under Rules 20 & 21 of the Tamil Nadu Welfare of Parents and Senior Citizen Act 2007.

For Petitioner	: Mr.J.Sivakumar
For Respondent	: Mr.P.Subbaraj, Counsel for State

ORDER

The petitioner seeks the consideration of the representation dated 03.08.2021 in relation to the cancellation of the patta issued to her son Mr.J.M.H.Jahir Hussain.

2. The petitioner states that her husband and the petitioner carried on business in Singapore and purchased properties in Tamil Nadu. One such property is the property bearing Survey Nos.273/3A and 270/8B at Suseenthiram Village, Kanyakumari District. According to the petitioner, her son unlawfully obtained the patta in respect of the said property in his name. Upon coming to know of the same, the petitioner submitted a representation dated 03.08.2021 to the respondent herein seeking cancellation of the said patta.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the sole respondent.

4. The Maintenance and Welfare of Parents and Senior



Citizens Act, 2007 (Senior Citizens Act) was enacted in order to confer statutory rights on senior citizens as also to impose statutory duties on specified authorities. Section 23 of the Senior Citizens Act enables a senior citizen to institute proceedings before the Tribunal constituted for such purpose to declare a deed of settlement or gift void under certain circumstances specified therein. The designated authority empowered to preside over such Tribunal is the Revenue Divisional Officer. Ordinarily, an appeal seeking cancellation of the patta also lies before the jurisdictional Revenue Divisional Officer. Therefore, if the petitioner seeks cancellation of the patta, the jurisdictional Revenue Divisional Officer should be approached.

5. As regards the respondent herein, certain duties have been imposed on the District Collector with regard to senior citizens. These duties include taking measures to ensure that the life and property of senior citizens residing in the District concerned are protected. To that extent, the petitioner is entitled to the consideration of her representation.

6. Accordingly, subject to the above observations, the respondent herein is directed to consider the petitioner's representation dated 03.08.2021 and pass a reasoned order thereon within a period of two (2) months from the date of receipt of a copy of this order after providing a reasonable opportunity to the petitioner, her son Mr.J.M.H.Jahir Hussain and any other near relatives who may be affected by such decision.

7. W.P.(MD).No.15601 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

LM/tsg

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

The Collector,
Kanyakumari District,
Kanyakumari.

WEB COPY

+1 CC to M/s.SPL GP (SR-28051[F] dated 03/09/2021)

W.P(MD)No.15601 of 2021
02.09.2021

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