



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.16841 of 2021

WEB COPY

M.Ponnusamy

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Palani,
Dindigul District.

3.Murugesan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent herein to complete the enquiry of the proceedings in Na.Ka. No.9067/2020/A3 and cancel the settlement deed in Document No.131/1996 dated 05.03.1996 in favour of petitioner's son, third respondent herein with regard to property in Survey Nos.40, 42 and 44 situated at Kottanatham Village, Gujiliyamparai Taluk, Dindigul District based on petitioner's representation dated 07.12.2020.

For Petitioner : M/s.Gomathi Sankar

For R1 and R2 : Mr.K.S.Selva Ganesan,
Counsel for State.

ORDER

The petitioner seeks the expeditious conclusion of an inquiry in proceedings bearing Na.Ka.No.9067/2020/A3 for the cancellation of a settlement deed bearing Document No.131/1996 dated 05.03.1996.

2. The petitioner states that the lands bearing Survey Nos.40, 42 and 44 in Kottanatham Village originally belonged to his father, namely, Marutha Pillai. His father is said to have executed a settlement deed in favour of the petitioner's son, Murugesan on 05.03.1996. At the time of execution of the settlement deed, the third respondent was a minor and was therefore represented by the petitioner as his guardian.



3. The petitioner alleges that his son is not providing any maintenance to him and that he does not take care of him. Therefore, the petitioner made a representation before the second respondent on 07.12.2020 under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (the Senior Citizens Act). The present Writ Petition is filed to conclude the inquiry in such regard expeditiously.

4. Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of the first and second respondents.

5. Section 23 of the Senior Citizens Act enables the designated authority under the said enactment to cancel a conditional settlement deed, which is executed after the date of entry into force of the relevant enactment. In the case at hand, the relevant settlement deed was executed in 1996. More importantly, such settlement deed was not executed by the petitioner herein but by his father. As such, the said settlement deed cannot be cancelled by the second respondent under Section 23 of the Senior Citizens Act. Nevertheless, the Senior Citizens Act is a beneficial legislation which confers rights of maintenance on senior citizens. To that extent, the petitioner's representation is liable to be considered and disposed of expeditiously.

6. Subject to the above observations, the second respondent herein is directed to conclude the inquiry under proceedings bearing Na.Ka.No. 9067/2020/A3 within a period of three (3) months from the date of receipt of a copy of this order after providing a reasonable opportunity to the petitioner and the third respondent herein. On account of the fact that the second respondent has been directed to hear the third respondent before taking a decision, the Writ Petition is disposed of without notice to the private respondent.

7. W.P.(MD).No.16841 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)

RM/LM

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

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Palani,
Dindigul District.

+1 CC to M/s.SPL.GP (SR-29926[F] dated 22/09/2021)

+1 CC to M/s.G.GOMATHI SANKAR, Advocate (SR-29738[F] dated
21/09/2021)

**W.P (MD) No.16841 of 2021
21.09.2021**

RK (29.09.2021) 3P 5C