



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.17922 of 2021

S.Jagadeeshwari

... Petitioner

Vs.

1.The District Collector,
Madurai District.

2.The Presiding Officer and Revenue Divisional Officer,
O/o.The Revenue Divisional Office,
Madurai District.

3.Latha

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first and second respondents to consider the petitioner's representation dated 27.09.2021 within a stipulated time period in accordance with law.

For Petitioner : Mr.C.Senthil Murugan
For R-1 and R-2 : Mr.B.Saravanan
Counsel for State.

ORDER

The petitioner seeks a direction to respondents 1 and 2 to consider her representation dated 27.09.2021 seeking postponement of proceedings before the second respondent under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (the Senior Citizens Act).

2. The petitioner states that the third respondent, who is the mother of the petitioner, had executed a registered settlement deed in favour of the petitioner under a document dated 19.06.2016 bearing Document No.1676/2016. Subsequently, the third respondent purported to unilaterally cancel the settlement deed by a document dated 18.10.2019. Such unilateral cancellation was challenged by filing W.P.(MD).No.13856 of 2021. The petitioner relies upon the interim order granted on 10.08.2021 in the said Writ Petition.

3. The petitioner alleges that the third respondent suppressed the order granted in the above mentioned Writ Petition



and filed an application before the second respondent under the Senior Citizens Act. Upon receipt of notice in such proceedings, the petitioner appeared through counsel. Thereafter, the petitioner submitted a representation dated 27.09.2021 seeking to strike out such proceedings or postpone the same until the disposal of W.P.(MD).No.13856 of 2021. The present Writ Petition is filed in these facts and circumstances.

4. Mr.B.Saravanan, learned counsel for the State, accepts notice on behalf of respondents 1 and 2.

5. The subject matter of W.P.(MD).No.13856 of 2021 is the unilateral cancellation of the settlement deed dated 18.10.2019, bearing Document No.3489/2019. In such Writ Petition, by order dated 10.08.2021, an interim injunction was granted restraining the fourth respondent therein / third respondent herein from alienating or encumbering or executing any other form of conveyance in respect of the relevant property for two (2) weeks from the date of such order. The petitioner largely relies upon the said proceedings to seek striking off or postponement of the proceedings under the Senior Citizens Act. The relief prayed for by the petitioner is misconceived inasmuch as the Senior Citizens Act confers statutory rights on parents and senior citizens, including the right to seek cancellation of a settlement deed which is conditional. Therefore, the fact that W.P.(MD).No.13856 of 2021 is pending is not an impediment for the continued prosecution of proceedings before the second respondent. The petitioner also points out that she has not been provided with copies of documents filed by the third respondent in such proceedings. Needless to say, any documents which are proposed to be relied upon in course of such proceedings should be provided to the petitioner and other parties thereto.

6. Subject to the above observations, W.P.(MD).No.17922 of 2021 is disposed of without any order as to costs by leaving it open to the petitioner to participate in the proceedings before the second respondent.

Sd/-

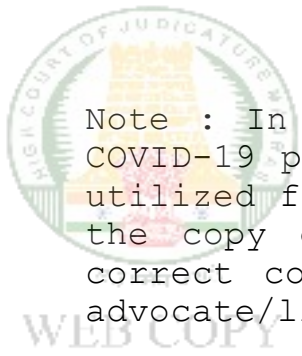
Assistant Registrar (WRITS)

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/ /2021

Sub Assistant Registrar (CS)

tsg/nsr



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,
Madurai District.

2.The Presiding Officer and Revenue Divisional Officer,
O/o.The Revenue Divisional Office,
Madurai District.

+1 CC to M/s.SPL.GP (SR-31337[F] dated 06/10/2021)

W.P (MD) No.17922 of 2021
05.10.2021

NSN(CO)
SB(21.10.2021) 3P 4C