



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD).No.19290 of 2021

Rajakili

... Petitioner

Vs.

The Revenue Divisional Officer,
Revenue Divisional Office,
Dindigul Revenue Division,
Sub-Collector Office Road,
Dindigul-624 001.

...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 petition filed under Section 23 (1) of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 dated 22.09.2021 and pass appropriate orders in accordance with law within a time stipulated by this Court.

For Petitioner	:	Mr.N.Anandakumar
For Respondent	:	Mr.P.Subbaraj
		Counsel for State

ORDER

The petitioner seeks consideration of a representation dated 22.09.2021 under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

2.The petitioner states that she is a senior citizen. She is also a widow without children. According to the petitioner, the Government issued an Assignment Patta in her favour in the year 2004 in respect of a property bearing S.No.787/14. Her husband constructed a house thereon in which she is residing.

3.The petitioner alleges that one Soundaram, who is her sister's son, has created forged documents in his favour in respect of the above mentioned property and is harassing the petitioner to execute a gift deed in his favour. Therefore, a complaint was lodged in the Natham Police Station. In addition, the petitioner submitted a representation dated 22.09.2021. The present writ petition is filed in these facts and circumstances.

4.Mr.P.Subbaraj, learned counsel for the State, accepts notice for the sole respondent. He submits that the respondent may be directed to consider and dispose of the representation on merits after providing a reasonable opportunity to the contesting party, namely, Soundaram.



5.The petitioner has submitted a representation dated 22.09.2021 seeking action to evict Soundaram from the property. The Maintenance and Welfare of parents and Senior Citizens Act, 2007 confers specific powers on the Revenue Divisional Officer, who is the authority to consider petitions under certain provisions of the Act.

6.Given the limited scope of the present writ petition, it is not necessary to enter any findings on the merits. However, the respondent shall consider the petitioner's representation by taking into account the relevant provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

7.Subject to the above observations, W.P.(MD).No.19290 of 2021 is disposed of by directing the respondent to consider the petitioner's representation dated 22.09.2021 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner and to her sister's son, Soundaram. Such reasoned order shall be issued within a period of three (3) months from the date of receipt of a copy of this order. However, there will be no order as to costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sn/sji

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 Revenue Divisional Officer,
Revenue Divisional Office,
Dindigul Revenue Division,
Sub-Collector Office Road, Dindigul-624 001.

+1 CC to M/s.N. ANANDAKUMAR, Advocate (SR-33727[F] dated 08/11/2021)

+1 CC to M/s.SPL.GP (SR-33518[F] dated 02/11/2021)

W.P(MD).No.19290 of 2021
01.11.2021

TSK(CO)
GC/PM(18.11.2021) 2P 4C

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