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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.1401 of 2022

1. R.Venkatesan ...Petitioner

Vs.

1. The District Collector, Vellore (Cum)
The Chairman of the Appellate Tribunal,
For Maintenance and Welfare of parents
and Senior Citizens,
Collectorate, Vellore.

2. The Revenue Divisonal Officer, Vellore (Cum)
Chairman of the Tribunal for Maintenance and
Welfare of the Parents and Senior Citizens,
Vellore Collectorate,
Vellore District.

3. T.RenuGopal ...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or other appropriate writ or order in the nature of writ directing the 1st respondent Appellant Tribunal under Maintenance and Welfare of Parents and Senior Citizens Act, 2007 to dispose of the appeal petition of the petitioner dated 25.12.2020 within a time to be fixed by this Honourable Court.

For Petitioner : Mr.T.M.Hariharan

For Respondent R1 and R2 : Mrs.C.Sangamithirai
Special Government Pleader



O R D E R

The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus to direct the 1st respondent to consider the petitioner's appeal petition dated 25.12.2020 and dispose of the same.

2. Since no adverse order has been passed against the 3rd respondent, notice to the private respondent is dispensed with.

3. The case of the petitioner is that, the 3rd respondent is the father of the petitioner. The 3rd respondent filed an application dated 30.12.2019 before the 2nd respondent under Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and the 2nd respondent passed an order dated 18.11.2020, cancelling the settlement deed in Document No.3278 / 2013, SRO, Sholinghur which was in the petitioner's favour. Aggrieved by the said order, the petitioner preferred an appeal dated 25.12.2020 before the 1st respondent, however, till date the appeal was not taken up for enquiry in spite of several representations dated 14.07.2021 and 11.11.2021 made by the petitioner. Hence, the present writ petition is filed with the above prayer.

4. Though very many grounds have been raised, learned counsel for the petitioner submitted that, it would suffice if this Court issues direction to the 1st respondent to consider the petitioner's appeal dated 25.12.2020 and pass orders on the same within the time stipulated by this Court.

5. The learned Special Government Pleader appearing on behalf of the 1st and 2nd respondent has no serious objection for the said order being passed and she fairly conceded that, the petitioner's appeal petition dated 25.12.2020 will be considered and appropriate orders will be passed within a period of twelve weeks.

6. In view of the fair submission made by the learned Special Government Pleader appearing on behalf of the 1st and 2nd respondent, this Court without going into the merits of the case, issues direction to the 1st respondent to consider the petitioner's appeal dated 25.12.2020 on merits and pass appropriate orders in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order, after affording opportunity of personal hearing to the petitioner as well as the 3rd respondent / father of the petitioner.



7. Accordingly, this Writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS-II)

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// True Copy //

Sub Assistant Registrar

skt

To

1. The District Collector, Vellore (Cum)
The Chairman of the Appellate Tribunal,
For Maintenance and Welfare of parents
and Senior Citizens,
Collectorate, Vellore.
2. The Revenue Divisonal Officer, Vellore (Cum)
Chairman of the Tribunal for Maintenance and
Welfare of the Parents and Senior Citizens,
Vellore Collectorate,
Vellore District.

+1cc to Mr.T.M.Hariharan, Advocate SR.No.6778

+1cc to the Government Pleader, SR.No.6857

W.P.No.1401 of 2022

GPL(CO)
CB(16/03/2022)