



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.2901 of 2022  
&  
W.M.P.No.3037 of 2022

K.Manivel

.... Petitioner

Vs.

1. The Revenue Divisional Officer,  
Namakkal.
2. Mr.K.Palanisamy
3. Smt.K.Revathy
4. Mr.K.Kandhasamy

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Certiorari, to call for the records on the file of the first respondent in Na.Ka.No.7274/2021/A1, dated 23.12.2021.

For Petitioner : Mr.P.Kannan Kumar

For Respondents : Mrs.GeethaThamraiselvan  
Special Government Pleader

O R D E R

The petitioner is the son of R4 and R2 & R3 are his siblings. R4 had approached R1/Revenue Divisional Officer, Namakkal by way of an application under Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act) seeking maintenance. Notice had been issued to the petitioner, R2 & R3, challenging which the petitioner is before this Court.



2. The suit property is the subject matter of a settlement deed dated 24.12.2018, registered before the Sub-Registrar, according to the petitioner. Based upon the settlement deed, mutation of records has also been effected. While this is so, O.S.No.44 of 2020 has come to be filed by R2 & R3 seeking partition of the property on the ground that the suit property constitutes ancestral family property. The petitioner has thus approached this Court, apprehending that the first respondent would deal with the suit property without reference to the pending suit.

3. Written instructions have been circulated by Mr.Jayaprakash, learned Government Advocate dated 15.03.2022 as well as 17.02.2022, wherein RDO categorically confirms that the subject matter of the application of R4 before him only concerns the award of maintenance and the authority has no intention to deal with the suit property.

4. This would serve to assuage the apprehensions of the petitioner. The petitioner will appear for enquiry before the authority on a date to be fixed by R1 and communicated to all the parties. Let R1 ensure that the conduct of the proceedings is in line with the Act, specially the timeframes set out therein.

5. This writ petition is disposed in the above terms. Consequently, connected writ miscellaneous petition is also closed. There shall be no order as to costs.

Sd/-  
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ska  
To

The Revenue Divisional Officer,  
Namakkal.

+lcc to Mr.P.Kannan Kumar, Advocate, S.R.No.18271  
+lcc to the Government Pleader, S.R.No.18572

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