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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.4308 of 2022

R.Munusamy

...Petitioner

Vs

1.The Revenue Divisional Officer,
O/o. Revenue Divisional Office,
Tambaram,
Chengalpattu District.

2.Jai Sridevi

3.Jai Ganesh

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1st Respondent to consider the Petitioner's representation dated 26.09.2020 and 27.01.2022 and to initiate appropriate action in accordance with law.

For Petitioner : Ms.Amali Deepika
for Mr.N.Saravanan

For Respondents: Mrs.Geetha Thamaraiselvan (for R1)
Special Government Pleader

O R D E R

Read this order in conjunction with order dated 01.03.2022 which reads as follows:

'Ms.Geetha Thamaraiselvan, learned Special Government Pleader appears for R1.

2.List on 02.03.2022 to enable her to take instructions on justification for pendency of the complaint of the senior citizen filed on 17.10.2020 and the exact dates of enquiry, if any.'



2. While learned Special Government Pleader, on instructions, states that the enquiry has now been fixed on 07.03.2022, learned counsel for the petitioner would aver to the contrary, stating that enquiry has already been conducted and stands completed.

3. Let the enquiry as fixed on 07.03.2022 be proceeded with and final order passed by R1 after hearing the petitioner as well as private respondents in the writ petition, within a period of four (4) weeks from 07.03.2022. Application dated 17.10.2020 has been filed by the petitioner in terms of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 ('Act') when he was 78 years old. The petitioner is now 81 years old.

4. On account of the complete lack of any justification whatsoever set forth in written instructions in Na.Ka.No.472/2022/m dated 28.02.2022 for the delay in disposing the application of the senior citizen, costs of an amount of Rs.25,000/- is imposed, payable to the petitioner.

5. The scheme of the Act provides for two remedies, the first by way of Maintenance in terms of Section 5, where the settlement executed in favour of the child of the senior citizen is conditional upon such maintenance being paid. Section 5(2) provides for a period of 90 days within which the plea for maintenance must be decided, extendable only by 30 days.

6. The second relief is by way of cancellation of the settlement deed executed in terms of Section 23 of the Act, which provides for the competent authority to, after enquiry with the senior citizen as well as beneficiary, cancel the deed, if circumstances so warrant. The Act does not stipulate any time limit for disposal of such applications. However, this cannot lead to the inference that the time available is ad infinitum as this relief/remedy is also one, for which time is of essence.

7. Thus, I am of the considered view seeing as that the Statute does not fix any time limit in this regard to adopt the same time limit as set out under Section 5, to be applicable in cases of applications under Section 23 as well.



8.This Writ Petition is disposed as above. Memo of compliance in regard to direction with regard to payment of costs, be filed with the Registry.

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Sd/-
Assistant Registrar(CS-V)

//True copy//

Sub Assistant Registrar

vs/sl

To

1. The Revenue Divisional Officer,
O/o. Revenue Divisional Office,
Tambaram,
Chengalpattu District.
(with direction for payment of
costs of Rs.25,000/- payable to Petitioner)

Copy To

1. The Section Officer,
Writ Section, High Court, Madras.
(For memo of compliance)
2. The Government Pleader,
Highi Court, Madras.

W.P.No.4308 of 2022

GPL(CO)
GMY(06/04/2022)