



WEB COPY



W.P.No.4635 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

**W.P.No.4635 of 2022
and W.M.P.No.4756 of 2022**

P.Kaliammal

... Petitioner

Versus

1. The District Collector,
The District Collector Office,
Vengikkal, Tiruvannamalai District 606 704.
2. The Thasildar,
Chengam Taluk,
Chengam 606 701.
3. The Sub Registrar,
Tiruvannamalai Joint-II,
Tiruvannamalai District 606 601.
4. M.Pachayyappan
5. P.Murugan
6. K.Jaya
7. The District Revenue Officer,
District Revenue Office,
Thiruvannamalai District – 606 604.
8. The Revenue Divisional Officer,
Revenue Divisional Office,
Thiruvannamalai District-606 601

(Respondents 7 and 8 are impleaded

as per order dated 13.07.2022 in WMP No.16671/2022) Respondents



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Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the 1st respondent to consider the representation dated 11.01.2022 and to conduct a fair enquiry and consequently not to initiate any further registration/not to encumber in accordance with the petitioner's property bearing Survey Nos.178/7A, 178/7B, 192/3, 178/7A, 192/3, 195/7B, 178/8A1A1, 178/7A for total extent of 2.22 acres situated at Paaliyappattu Village, Chengam Taluk, Tiruvannamalai District.

For Petitioner : Mr.S.Menaka

For Respondents : Mr.B.Vijay
AGP for R1 to R3, R7 & R8

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the official respondents for early disposal of the petitioner's representation dated 11.01.2022 submitted under Maintenance and Welfare of Parents and Senior Citizens Act, 2007 before the first respondent.

2. Since the competent authority to pass final order on the petitioner's representation is the eighth respondent, final order will have to be passed on the petitioner's representation only by the eighth respondent.



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3. The petitioner's grievance is that despite execution of the settlement deed in favour of the fourth respondent, who is her grandson, he has failed to maintain her and hence, the petitioner seeks for cancellation of the said settlement deed through her representation submitted before the first respondent.

4. Since the earlier representation was given to the District Collector, who is not the competent authority under Maintenance and Welfare of Parents and Senior Citizens Act, 2007, the petitioner will have to give a fresh representation to the eighth respondent, who is the competent authority to pass final order under Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

5. Learned counsel for the petitioner, on instructions, would submit that the petitioner is willing to give a fresh representation to the eighth respondent, seeking for cancellation of the settlement deed executed by her in favour of the fourth respondent under Maintenance and Welfare of Parents and Senior Citizens Act, 2007.



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6. After recording the submissions made by the learned counsel for the petitioner, this Court directs the petitioner to submit a fresh representation to the eighth respondent seeking for cancellation of the settlement deed dated 07.09.2018 executed by the petitioner in favour of the fourth respondent under the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 within a period of one week from the date of receipt of a copy of this order and on receipt of such application, the eighth respondent shall pass final order on merits and in accordance with law after affording a fair hearing to the petitioner as well as the fourth respondent, including granting them the right of personal hearing within a period of eight weeks thereafter.

7. With the aforesaid direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

13.07.2022
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sr
Index: Yes/No
Speaking Order/Non-Speaking Order



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ABDUL QUDDHOSE, J

sr

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