



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :16.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE M. DHANDAPANI

W.P.NO.5894 OF 2022
AND W.M.P.NO.5996 OF 2022

Shenbagavalli Angamuthu

...Petitioner

Vs.

1.The Inspector General of Police,
No.100, Santhome High Road,
Mulima Nagar, Mandavelipakkam,
Raja Annamalai Puram,
Chennai-600028.

2.The District Collector,
Salem District,
Salem.

3.The District Registrar (Administration),
Salem (west),
Salem District,
Salem.

4.A.S.Arunkalaivanan

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the entire records in pursuant to the rejection order issued by the 3rd respondent vide Na.Ka.No.6486/E4/2021, dated 18.10.2021 and quash the same.

For Petitioner : Mr.T.P.Prabakaran

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Certiorari, to call for the entire records in pursuant to the rejection order issued by the 3rd respondent vide Na.Ka.No.6486/E4/2021, dated 18.10.2021 and quash the same.



2. The learned Special Government Pleader takes notice for the official respondents. In view of the limited relief sought for in this petition and on the consent of the learned counsel appearing on either side, this petition is taken up for final disposal.

3. Since no adverse order is being passed as against the 4th respondent, notice to the 4th respondent is dispensed with.

4. The case of the petitioner is that the petitioner executed a release deed along with his elder son and daughter in favor of the 4th respondent vide Document No,151/2014, on the file of the Sub Registrar, Tharamangalam, with an understanding that the 4th respondent is required to pay an amount of Rs.22,50,000/- to the petitioner in lieu of the releasing the right of the petitioner's share for the peaceful living and towards medical expenses. However, the 4th respondent is failed to do so and simply concluded the release deed and thereafter, not answered the petitioner's phone. Thereafter, the petitioner made a representation to the 2nd and 3rd respondents to cancel the release deed registered in favor of the 4th respondent, under "The Maintenance and Welfare of Parents and Senior Citizens Act, 2007". The 3rd respondent has rejected the petitioner's representation vide order in Na.Ka.No.6486/E4/2021, dated 18.10.2021 stating that he is incompetent to cancel the release deed. Aggrieved with the same, this writ petition is filed with the above said prayer.

5. The learned counsel appearing for the petitioner submitted that it would suffice, if this Court issues a direction to the 2nd respondent to forward the petitioner's representation dated 13.09.2021, to the competent authority under "The Maintenance and Welfare of Parents and Senior Citizens Act, 2007" and pass orders, within the time frame that may be fixed by this Court.

6. The learned Special Government Pleader appearing on behalf of the official respondents submitted that the petitioner's representation dated 13.09.2021, will be forwarded to the competent authority namely Revenue Divisional Officer, Salem. Thereafter, the Revenue Divisional Officer will conduct enquiry between the petitioner and the 4th respondent in the manner known to law, within a reasonable time that may be fixed by this Court.

7. Without going into the merits of the case, the 2nd respondent is directed to forward the petitioner's representation dated 13.09.2021, to the competent authority namely the Revenue Divisional Officer, Salem, within a period of two weeks from the date of receipt of a copy of this order. On



receipt of such application, the Revenue Divisional Officer is directed to pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the 4th respondent and petitioner, within a period of twenty four weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar

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To

- 1.The Inspector General of Police,
No.100, Santhome High Road,
Mulima Nagar, Mandavelipakkam,
Raja Annamalai Puram,
Chennai-600028.
- 2.The District Collector,
Salem District,
Salem.
- 3.The District Registrar (Administration),
Salem (west),
Salem District,
Salem.
- 4.The Revenue Divisional Officer,
Salem District, Salem.

+1cc to M/s.T.P.Prabakaran, Advocate Sr.No.17724

+1cc to the Government Pleader Sr.No.18569

W.P.No.5894 of 2022

SKM(CO)
RVM(31/03/2022)