



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.03.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.6460 of 2022

&

WMP.No.6554 of 2022

N.Mohanarangam

... Petitioner

Vs

1. The District Collector,
Chennai District,
Chennai - 01.
2. The District Social Welfare Officer,
District Social Welfare Office,
Collectorate,
Chennai - 01.
3. The Revenue Divisional Officer,
Ambattur, Chennai.
4. The Sub-Registrar,
Sembium Sub-Registry,
Sembium, Chennai-11.
5. Alaguthamarai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the petition/representation of the petitioner dated 26.11.2021 by invoking Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and to conduct an enquiry in accordance with law.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.TNC.Kaushik,

Additional Government Pleader
- R1 to R4



O R D E R

Mr.TNC.Kaushik, learned Additional Government Pleader accepts notice for R1 to R4 and is armed with instructions to proceed with the matter finally. Hence, final orders are passed after hearing Mr.S.Sivakumar, learned counsel appearing for the petitioner and Mr.Kaushik appearing for the official respondents and no notice is thought necessary for R5 in the nature of order being passed.

2.The petitioner has made an application for relief under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (in short 'Act') and seeks a mandamus directing the official respondents to consider representation dated 26.11.2021 in line with the mandate under Section 23 of the Act and conduct proper enquiry and pass appropriate orders within a fixed time frame.

3. Mr.Kaushik states that the application has been addressed to the District Collector/R1, who has forwarded the same to the competent Authority, i.e., Revenue Divisional Officer (RDO)/R3 only on 04.03.2022. Immediately upon receipt thereof, the visit of the petitioner was entertained on 06.03.2022 and, bearing in mind that R5, the private respondent, who is the daughter of the petitioner, a resident of Colorado, U.S.A., notice has been issued to all parties fixing the enquiry on 28.03.2022.

4. Thus, it appears to be that the official respondents are duly seized of the matter and are taking steps for disposal of the representation. I only note that seeing as R5 is abroad, arrangements may be made to hear her virtually in order that this aspect of the matter does not come in the way of timely disposal of the application.

5. Learned counsel for the petitioner would express some apprehension in regard to R5 taking steps to alienate the immovable property at Plot No.A2, Sri Krishna Nagar, Kolathur Village, Perambur Purasawalkkam Taluk, Chennai (Thiruvallur Revenue District) which was settled upon her by the petitioner.

6. Seeing as the application is before the competent authority, it would not be appropriate for this court to intervene at this stage and hence, it is left to the petitioner to approach the competent authority for relief as may be appropriate and seek interim relief in accordance with law.



7. Let the application of the petitioner be disposed as expeditiously as possible, in any event, within a period of three (3) months from date of first hearing.

8. This Writ Petition is disposed as above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

True Copy//

Sub Assistant Registrar

sl/kbs

To

1. The District Collector,
Chennai District,
Chennai - 01.
2. The District Social Welfare Officer,
District Social Welfare Office,
Collectorate, Chennai - 01.
3. The Revenue Divisional Officer,
Ambattur, Chennai.
4. The Sub-Registrar,
Sembium Sub-Registry,
Sembium, Chennai-11.

+1cc to Mr.S.Sivakumar, Advocate, S.R.No.19259

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MG[co]
NSK 31/03/2022