



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.10665 of 2022

S.R.Ganesan

...Petitioner

Vs.

1. The District Collector,
Office of the Collectorate,
Namakkal District.
2. The District Revenue Officer,
Office of the District Collector,
Namakkal District.
3. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Mohanur Salai, Namakkal District.
4. The Sub Registrar,
Office of the Sub Registrar,
Sendamangalam,
Namakkal.

5. G.Chandramohan

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 3 herein to dispose the petitioner's representation dated 19.03.2022 after hearing of the petitioner and consequently direct the respondents 1 to 3 herein to issue direction to the fourth respondent to cancel the Settlement Deeds dated 12.07.2021 and 20.07.2021 vide Document Nos.2246/2021 and 2723/2021, registered on the file of the fourth respondent.

For Petitioner : M/S.W.Camyles Gandhi

For R1 to R4 : Mr.P.Sathish
Additional Government Pleader



O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct respondents 1 to 3 herein to dispose of the petitioner's representation dated 19.03.2022 and to direct them to issue direction to the fourth respondent to cancel the Settlement Deeds, dated 12.07.2021 and 20.07.2021, vide Document Nos.2246/2021 and 2723/2021, registered on the file of the fourth respondent.

2.The case of the petitioner is that the petitioner is the father of the fifth respondent. Upon believing the words of the fifth respondent/younger son, out of love and affection, the petitioner and his wife have jointly executed two settlement deeds, dated 12.07.2021 and 20.07.2021, vide Document Nos.2246/2021 and 2723/2021 in favour of fifth respondent/younger son. Subsequent to the execution of the settlement deeds, his younger son is not taking care of the petitioner and his wife and not even provided the basic needs such as food, shelter and clothes. Therefore, the petitioner made a detailed representation dated 19.03.2022 before the second respondent, under the Maintenance and Welfare of Parents and Senior Citizens Act. However, till date, no order has been passed. Hence, the petitioner has filed the present Writ Petition.

3.The learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the respondents 1 to 3 to consider the petitioner's representation dated 19.03.2022 and consequently direct the fourth respondent to cancel the settlement deeds, dated 12.07.2021 and 20.07.2021 and pass orders on the same, within a particular time frame that may be fixed by this Court.

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

5.The learned Additional Government Pleader appearing for respondents 1 to 4 has no objection for said order being passed.

6.In view of the aforesaid submissions, this Court, without expressing any opinion on the merits of the case, while rejects the relief relating to cancellation of settlement deeds, however, directs the respondents 1 to 3 to consider the petitioner's representation dated 19.03.2022 and after affording opportunity of hearing to either parties, pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. Insofar as the cancellation of settlement deeds is concerned, the petitioner is at liberty to canvass all the issues before



the respondents 1 to 3, who shall consider the same, while passing orders on the representation of the petitioner.

7. With the above observations and directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

jd/rap

To

1. The District Collector,
Office of the Collectorate,
Namakkal District.
2. The District Revenue Officer,
Office of the District Collector,
Namakkal District.
3. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Mohanur Salai, Namakkal District.
4. The Sub Registrar,
Office of the Sub Registrar,
Sendamangalam, Namakkal.

+1cc to Mr.W.Camyles Gandhi, Advocate, S.R.No.30354

+1cc to the Government Pleader, S.R.No.30838

W.P. No.10665 of 2022

GSM(CO)
RGA(02/06/2022)