

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.06.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.16223 of 2022

P.K. Poulose

..Petitioner

Vs.

1. Revenue Division Officer cum
Maintenance Tribunal,
Gudalur,
Nilgiris District.

2. P.K. Eldo

..Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, to direct 1st respondent to pass orders on the petition dated 13.07.2021 filed by the petitioner under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, within a time frame.

For Petitioner : Mr.S.Gunaseelan

For Respondents: Mr.T.Seenivasan
Special Government Pleader [R1]

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the first respondent to pass final orders on the petition dated 13.07.2021 filed under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, (herein after called as 'the Act') against the second respondent, within a time frame to be fixed by this Court.

2.The petitioner has filed the aforementioned petition against the second respondent, who is his brother. The petitioner is a senior citizen. The petitioner seeks for cancellation of a settlement deed which was executed by the petitioner in favour of the second respondent on the ground that the second respondent has failed to maintain him despite having undertaking to do so.

3.It is also brought to the notice of this Court by the

learned counsel for the petitioner as well as the learned Special Government Pleader appearing for the first respondent that subsequent to the filing of the petition dated 13.07.2021 under Section 23 of the Act, notice has been issued to the second respondent in the said proceedings. It is also submitted by the learned Special Government Pleader appearing for the official respondent that the petitioner's application has been forwarded to the Family Counseling Center, as the dispute involves the petitioner and the second respondent, who is his brother.

4. Since the proceedings have already commenced, no prejudice will be caused to the respondents if a direction is issued by this Court for early disposal of the petitioner's petition filed under the Act, after affording a fair hearing to the petitioner and the second respondent. Since no adverse orders are passed in this Writ Petition against the second respondent, the notice to the second respondent is dispensed with.

5. For the foregoing reasons, this Court directs the first respondent to pass final orders on the petitioner's application dated 13.07.2021 filed under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, against the second respondent, within a period of four (4) months from the date of receipt of a copy of this order, after affording a fair hearing to the petitioner and the second respondent including, granting them the right of personal hearing.

6. With the aforesaid directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

Sni

To
The Revenue Division Officer cum
Maintenance Tribunal,
Gudalur, Nilgiris District.

+1cc to Mr.S.Gunaseelan, Advocate, S.R.No.40580
+1cc to the Government Pleader, S.R.No.41940

W.P.No.16223 of 2022

RK(CO)
RGA(18/07/2022)