



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.05.2022

CORAM :

THE HON'BLE MR. JUSTICE R. MAHADEVAN

W.P.No.12103 of 2022

P.Karungkannan

..Petitioner

Vs

1. The District Revenue Officer,  
O/o. District Revenue Office,  
Kallakurichi District.
2. Revenue Divisional Officer,  
O/o. Revenue Divisional Office,  
Kallakurichi District.
- 3.K.Ganesan
- 4.K.Dharmalingam
- 5.K.Sivalingam
- 6.K.Arumugam

..Respondents

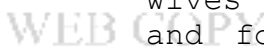
Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the first respondent to pass orders on the petitioner's appeal dated 28.02.2022 and direct the third to sixth respondents to provide food and medical expenses to the petitioner as per the provisions of Maintenance and Welfare of Parents and Senior Citizen Act, 2019 (Amended).

For Petitioner : Mr.T.Velu

For R1 and R2 : Ms.Raja Rajeswari  
Government Advocate

ORDER

The prayer made in this writ petition is to issue a writ of mandamus directing the first respondent to pass orders on the petitioner's appeal dated 28.02.2022 and direct the third to sixth respondents to provide food and medical expenses to the petitioner as per the provisions of the Maintenance and Welfare



2. According to the petitioner, he had two wives and both wives died leaving behind them, the petitioner, two daughters and four sons / respondents 3 to 6. He is having ancestral properties, which were partitioned along with joint family members among themselves, without giving any share to the petitioner and his two daughters, by partition deed dated 30.10.2008. Thereafter, the fifth respondent alone provided food and medical expenses to the petitioner, till date and other respondents neglected and failed to take care of him. When the petitioner asked the respondents 3 and 6 to allot his share, he was assaulted by them. In this regard, he lodged a police complaint before the Inspector of Police, Kizhukkuppam Police Station and obtained CSR No.444/2021, but no action was taken against the respondents 3 and 6. Therefore, the petitioner approached the second respondent requesting to cancel the partition deed dated 30.10.2008 and direct the respondents 3 to 6 to provide food and medical expenses on monthly basis, as per the provisions of the Act. Though the second respondent considered the representation of the petitioner dated 28.02.2022, by order dated 31.12.2021, which did not fulfil the needs of the petitioner. Challenging the same, an appeal came to be filed before the first respondent, on 28.02.2022, which is pending without any consideration. Hence, this writ petition by the petitioner.

4.Considering the limited nature of the relief sought herein, without going into the merits of the case, the first respondent is directed to consider the petitioner's appeal dated 28.02.2022 and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to all the parties concerned. Such an exercise shall be completed within a period of four (4) weeks from the date of receipt of a copy of this order.

Sd/-  
VACATION OFFICER

Sub Assistant Registrar



hvk/dm

To

WEB COPY

1. The District Revenue Officer,  
O/o. District Revenue Office,  
Kallakurichi District.
2. Revenue Divisional Officer,  
O/o. Revenue Divisional Office,  
Kallakurichi District.

+1cc to Mr.T.Velu, Advocate, S.R.No.31165  
+1cc to the Government Pleader, S.R.No.31323

W.P.No.12103 of 2022

SSN(CO)  
CT 19/05/2022