



W.P.No.27100 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.27100 of 2022

J.Kirthiga

.... Petitioner

-Vs-

1.The District Collector
Chennai District.

2.The District Revenue Divisional Officer
Chennai Central.

3.The Sub Registrar
Office of the Sub-Registrar
Padappai.

4.Thiru.Jayasekaran

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to consider representation of the petitioner dated 23.08.2022 and dispose the appeal which is filed by the petitioner challenging the order passed by the 2nd respondent the Revenue Divisional Officer Chennai Central in Na.Ka. No./A4/ 3242 / 2020 on 28.02.2022 within a stipulated time.

For Petitioner : Mr.M.Duraimurugan
For Respondents : Mr.T.K.Saravanan
Government Advocate – for RR 1 and 2
Mr.R.Kumaravel
Additional Government Pleader – for R3



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ORDER

The prayer sought for herein is for a Writ of Mandamus directing the 1st respondent to consider representation of the petitioner dated 23.08.2022 and dispose the appeal which is filed by the petitioner challenging the order passed by the 2nd respondent the Revenue Divisional Officer Chennai Central in Na.Ka. No./A4/ 3242 / 2020 on 28.02.2022 within a stipulated time.

2. The petitioner has been suffered by an order passed by the Revenue Divisional Officer, Chennai dated 28.02.2022 under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Against the said order, instead of filing an appeal before the District Collector, the petitioner has given only a representation dated 23.08.2022 seeking to set aside the order passed by the Revenue Divisional Officer dated 28.02.2002.

3. In order to consider the representation dated 23.08.2022 seeking a direction to the first respondent District Collector, the present writ petition has been filed.

4. Heard Mr.M.Duraimurugan, learned counsel for the petitioner, Mr.T.K.Saravanan, learned Government Advocate for the 1st and 2nd respondents



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and Mr.R.Kumaravel, learned Additional Government Pleader appearing for the third respondent.

5. Learned Government Counsel pointed out that against the order passed by the Revenue Divisional Officer dated 28.02.2002, appeal should have been filed to the District Collector / first respondent in proper format. Instead of filing an appeal, simply the petitioner has given a representation dated 23.08.2022 and therefore the same cannot be considered by the first respondent. If the petitioner comes forward to file an appeal before the first respondent, on receipt of the same that would be considered and decided by the first respondent on merits and in accordance with law within a time frame that may be stipulated by this Court.

6. Having regard to the said stand taken by the learned Government Counsel, and the petitioner's counsel also since has stated that the petitioner would file a proper appeal against the order passed by the Revenue Divisional Officer dated 28.02.2002, this Court is inclined to dispose of this writ petition with the following order.

“ That the petitioner shall file a proper appeal against the order passed by the Revenue Divisional Officer dated 28.02.2002, Chennai to the first respondent, District



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Collector within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the appeal shall be considered and decided on merits and in accordance with law within a period of six weeks thereafter.”

7. With the above direction, this writ petition is disposed of. No costs.

11. 10.2022

Index : Yes/No
Internet : Yes/No
KST
To

- 1.The District Collector
Chennai District.
- 2.The District Revenue Divisional Officer
Chennai Central.
- 3.The Sub Registrar
Office of the Sub-Registrar
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R. SURESH KUMAR, J.

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