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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.28064 of 2021

T.K.Krishnan

...Petitioner

Vs.

1. The District Collector,
Collectorate,
GST Road, Chengalpattu District,
Chengalpattu-603 001.

2. The Revenue Divisional Officer,
VOC Nagar, Chengalpattu District,
Chengalpattu-603 001.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to dispose the petition dated 31.08.2021 under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 in accordance with law within the time frame fixed by this Hon'ble Court.

For Petitioner : Mr.M.Shiva Prakash

For Respondents : Mr.K.Karthikeyan
Government Advocate

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the 2nd respondent to dispose of the petition dated 31.08.2021 filed by the petitioner under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 in accordance with law within the time stipulated by this Court.

2. The case of the petitioner is that he got married in the year 11.07.1963 and from the wedlock, four sons and one daughter were born and since the petitioner's wife died in the year 1979, he is the one who took care of all his children and their expenses. The petitioner's father executed a will dated



02.04.1979 in favour of the petitioner and the same was registered as Doc.No.5/1979 and he is in the full possession and enjoyment of the said property in Survey No.434 and the said will clearly states that the property shall be enjoyed till the petitioner's lifetime without any encumbrance and only after his lifetime, the property shall be bequeathed and divided among his male legal heirs. While being so, the petitioner's sons jointly created a partition deed and registered the same in Doc.No.928/1998 dated 05.05.1998 by suppressing his existence and divided the said property amongst themselves and some extent of property were also alienated to the third parties, without adhering the conditions mentioned in the will, which is illegal and void.

3. It is further submitted that the petitioner sent a legal notice dated 27.11.2020 to the 1st respondent and the District Registrar, Chengalpattu district to register this notice as a complaint and conduct enquiry and declare the transactions in the property as null and void. Thereafter, the petitioner sent a petition under Section 5 and 23 of the Maintenance of Parents and Senior Citizens Act, 2007 dated 31.08.2021 to the respondents requesting them to declare the partition deed dated 05.05.1998 as null and void and also to direct the respondents to provide maintenance and medical expenses to the petitioner. Thereafter, the 2nd respondent issued notice to the petitioner and his sons to appear before him on 20.10.2021, however only the petitioner appeared before the 2nd respondent on the said date and thereafter, the petitioner's sons started to threaten him with dire consequences and were not co-operating with the investigation. Hence, this present petition is filed for speedy disposal of the petitioner's petition dated 31.08.2021 after investigating his sons.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 2nd respondent to consider the petitioner's petition dated 31.08.2021 and pass orders on the same within a particular time frame fixed by this Court.

5. The learned Government Advocate has no objection for said order being passed and he fairly conceded that the petitioner's petition dated 31.08.2021 will be considered and disposed of in accordance with the Maintenance of Parents and Senior Citizens Act, 2007 within the time stipulated by this Court.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the 2nd respondent to consider the petitioner's petition under Section 5 and 23 of the Maintenance of Parents and Senior Citizens Act,



2007 dated 31.08.2021 on merits and in accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

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7. This writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

True Copy//

Sub Assistant Registrar

skt

To

1. The District Collector,
Collectorate,
GST Road, Chengalpattu District,
Chengalpattu-603 001.
2. The Revenue Divisional Officer,
VOC Nagar, Chengalpattu District,
Chengalpattu-603 001.

+1cc to Mr.M.Shiva Prakash, Advocate, S.R.No.283
+1cc to the Government Pleader, S.R.No.333

W.P.No.28064 of 2021

EV[co]
NSK 27/01/2022