



W.P.No.27926 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.27926 of 2022

A.Ramesh

.... Petitioner

-Vs-

- 1 The Collector
Thirupattur District Thirupatur.
- 2 The Revenue Divisional Officer
Thirupattur District Thirupatur.
- 3 The Sub Registrar
Natrampalli Thirupattur District.
- 4 Rukmani

.... 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 dispose the appeal filed by the petitioner dated 09.09.2022 and till such time direct the 3rd respondent not to cancel the Settlement deed or create any mutation in respect of the petitioners property in D.No.2455 of 2018 dated 20.09.2018 in respect of the property in Old S.No.95/2, New S.No.95/56 to the extent of 538.2 Sq.Ft situated at Natrampalli Village Thirupattur District.

For Petitioner : Mr. V.Elangovan
For Respondents : Mr.N.Naveen Kumar
Government Advocate – for RR 1 and 2
Mr.K.Tippu Sultan, Government Advocate- for R3



W.P.No.27926 of 2022

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the 1st respondent to dispose the appeal filed by the petitioner dated 09.09.2022 and till such time direct the 3rd respondent not to cancel the Settlement deed or create any mutation in respect of the petitioners property in D.No.2455 of 2018 dated 20.09.2018 in respect of the property in Old S.No.95/2, New S.No.95/56 to the extent of 538.2 Sq.Ft situated at Natrampalli Village Thirupattur District.

2. The case of the petitioner is that the fourth respondent, who is the mother of the petitioner made an application to cancel the settlement deed made in favour of the petitioner by the fourth respondent before the second respondent Revenue Divisional Officer under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (In short 'the Act'). The said petition was allowed, as against which the petitioner filed an appeal before the first respondent District Collector on 09.09.2022. In order to dispose the said appeal at the earliest on merits and in accordance with law, the petitioner has moved the present writ petition with the aforesaid prayer.

3. Reiterating the same, the learned counsel for the petitioner seeks the indulgence of this Court.



W.P.No.27926 of 2022

4. Heard Mr.N.Naveen Kumar, learned Government Advocate appearing for respondents 1 and 2 and Mr.K.Tippu Sulthan, learned Government Advocate appearing for the respondent. In view of the order going to be passed in this writ petition, notice to the 4th respondent is hereby dispensed with.

5. Learned Government Counsel would contend that there are number of appeals filed before the first respondent against the orders passed by the second respondent under the provisions of the Act. That apart, under various other legislations also number of appeals are filed before the District Collector being the appellate authority and therefore it will take reasonable time to dispose of the appeal filed by the petitioner on merits. Accordingly, the learned Government Counsel seeks 12 weeks time to dispose of the appeal.

6. Considering the submissions made by the learned Government Counsel, this Court is inclined to dispose of this writ petition with the following order.

“That there shall be a direction to the first respondent District Collector to consider the appeal submitted by the petitioner dated 09.09.2022 as against the order passed by the second respondent under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and accordingly



W.P.No.27926 of 2022

decide the same on merits and in accordance with law within a period of ten (10) weeks from the date of receipt of a copy of this order.”

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

19.10.2022

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

- 1 The Collector
Thirupattur District Thirupatur.
- 2 The Revenue Divisional Officer
Thirupattur District Thirupatur.
- 3 The Sub Registrar
Natrampalli Thirupattur District.



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W.P.No.27926 of 2022

R. SURESH KUMAR, J.

KST

W.P.No. 27926 of 2022

19.10.2022