



W.P.No.30341 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.30341 of 2022

K.Kaliyammal

... Petitioner

Vs

The District Collector,
Dharmapuri District,
Dharmapuri – 636 701.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to take up the appeal for enquiry and pass a reasoned and speaking order in the appeal preferred by the petitioner dated 18.08.2022.

For Petitioner : Mr.K.M.Ramesh

For Respondent : Mr.T.K.Saravanan
Government Advocate

ORDER

The prayer sought for herein is for a writ of mandamus directing the respondent to take up the appeal for enquiry and pass a reasoned and speaking order in the appeal preferred by the petitioner dated 18.08.2022.

2. The petitioner unsuccessfully approached the Revenue Divisional



W.P.No.30341 of 2022

Officer concerned i.e. RDO, Harur Division in filing application under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 by order dated 26.07.2022 at the hands of the said RDO. As against which, he preferred appeal to the respondent District Collector on 18.08.2022, the said appeal is still pending with the District Collector respondent. Therefore, in order to give an early disposal of the said appeal, the present writ petition has been filed.

3. Heard Mr.K.M.Ramesh, learned counsel appearing for the petitioner who submits that, the son of the petitioner clandestinely obtained the signature of the petitioner, by thus the petitioner claims that she was cheated, therefore in order to rectify the same, since petition was filed before the RDO which was not considered in proper perspective, therefore against such order passed by the RDO, when appeal was filed before the respondent District Collector, the same is still pending and therefore an early disposal is required so that the petitioner at the advanced age can survive for the rest of her life, he contended.

4. Heard Mr.T.K.Saravanan, learned Government Advocate appearing



W.P.No.30341 of 2022

for the respondent who would submit that, the appeal has been filed to the respondent only at the third week of August 2022, therefore it will take some reasonable time to dispose the same, hence atleast 3 months time may be required for the respondent to dispose after hearing both sides.

5. Having regard to the said submission made by the learned counsel appearing for both sides, this Court is inclined to dispose of this writ petition with the following orders:

That there shall be a direction to the respondent to consider the appeal filed by the petitioner dated 18.08.2022 as against the order passed by the RDO concerned dated 26.07.2022 under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and decide the same on merits and in accordance with law of course after giving opportunity of being heard to both the petitioner as well as the other parties including the son of the petitioner within a period of three months from the date of receipt of a copy of this order.

6. With this direction, this Writ Petition is disposed of. No costs.



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W.P.No.30341 of 2022

16.11.2022

Index : Yes / No

Speaking Order: Yes / No

Note : Issue order copy on **21.11.2022**

Sgl

To

The District Collector,
Dharmapuri District,
Dharmapuri – 636 701.



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W.P.No.30341 of 2022

R. SURESH KUMAR, J.

Sgl

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