



WEB COPY



W.P.No.28939 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.28939 of 2022

P.Sivagami

.... Petitioner

-Vs-

1.The Revenue Divisional Officer
Attur, Salem District.

2.District Social Welfare Officer
Attur, Salem District.

3.Indirani

4.R.Manoharan

5.M.Shanthi

6.Vasanthan

.... 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 of the petitioner filed by the petitioner under Section 5 and 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 now pending on the file of the 1st respondent in Na.Ka.1534/17/A2 within the time to be fixed by this Hon'ble Court.



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For Petitioner : Mr.S.Conscious Ilango
For Respondents : Mr.N.Naveen Kumar
Government Advocate – for R1
Mr.R.Kumaravel
Additional Government Pleader – for R2

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the 1st respondent to dispose of the petition filed by the petitioner under Section 5 and 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 now pending on the file of the 1st respondent in Na.Ka.1534/17/A2 within the time to be fixed by this Court.

2. The petitioner is a senior citizen and in fact she is 80 years old. She had made an application under Section 5 and 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (In short 'the Act') before the first respondent Revenue Divisional Officer in Petition No.1534/17/A2 against the private respondents herein. Since so far the said petition has not been disposed of by the first respondent, the petitioner has approached this Court by filing the present writ petition with the aforesaid prayer.



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3. Heard Mr.S.Conscious Ilango, who after having reiterated the aforesaid facts, would further submit that, since the petitioner is in the advanced age and is already 80 years old, the early disposal of the petition pending with the first respondent would be helpful to the petitioner's rest of life. Hence, he seeks the indulgence of this Court.

4. Heard Mr.N.Naveen Kumar, learned Government Advocate appearing for the first respondent and Mr.R.Kumaravel, learned Additional Government Pleader appearing for the second respondent. Learned Government Counsel would submit that, if at all the petition submitted by the petitioner in October 2016 has not so far been disposed of, it would be disposed of at the earliest within the time frame that may be stipulated by this Court, after hearing the petitioner as well as the private respondents.

5. Having regard to the said submissions made by the learned counsel for the petitioner as well as the learned Government Counsel for the official respondents, in view of the order that is going to be passed in this writ petition, notice to the private respondents 3 to 6 is hereby dispensed with.



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6. Since the petition has been pending with the first respondent from 2016, even after six years if the same is not disposed of on merits, it would defeat the very purpose of the Act especially Section 23 of the Act, thereby gross injustice is being done to the petitioner being a senior citizen. Therefore, this Court has no hesitation to hold that, a direction shall be given to the first respondent to decide the application submitted by the petitioner immediately on merits, after hearing both sides.

7. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order.

“ That there shall be a direction to the first respondent to pass orders on the application submitted by the petitioner in October 2016 in Petition No.1534/17/A2 pending before the first respondent and pass orders on merits and in accordance with law, of course after hearing the petitioner as well as the private respondents by fixing the hearing date and giving immediate summons, and such disposal shall be made by the first respondent within a period of four weeks from the date of receipt of a copy of this order.”



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

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Index : Yes/No
Internet : Yes/No
KST

To

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Attur, Salem District.
- 2.District Social Welfare Officer
Attur, Salem District.



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R. SURESH KUMAR, J.

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