



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.2503 of 2022

M.Sainudeen Hajiyar

... Petitioner

Vs.

1.The Revenue Divisional Officer /
Sub Collector,
Padmanabapuram,
Tuckaley,
Kanyakumari District.

2.Sirajudeen

3.Rahmath Nisha

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to conduct enquiry and take an appropriate action on the application made by the petitioner dated 04.10.2021 and reminder dated 20.11.2021 under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 and dispose the same within a stipulated time fixed by this Court.

For Petitioner	: Mr.S.Anwar Sameem, Advocate
For Respondent No.1	: Mr.T.Amjad Khan Government Advocate

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to conduct enquiry and take appropriate action on the application filed by the petitioner under the Senior Citizens Act on 04.10.2021 within a time frame to be fixed by this Court.

2.It is the case of the petitioner that the third respondent is his daughter in whose favour a settlement deed has been executed by the petitioner. According to him, despite the execution of the settlement deed, the third respondent has failed to maintain the petitioner. Hence the petitioner has filed an application dated 04.10.2021 before the first respondent seeking action against the second respondent who is his son-in-law and the third respondent who is his daughter under the Senior Citizens Act. According to him a reminder was also sent on 20.11.2021 to the first respondent seeking for early action but despite the said reminder, no action has been taken till date. In such circumstances, this writ petition has been filed.



3.Heard Mr.S.Anwar Sameem, learned Counsel for the writ petitioner and Mr.T.Amjad Khan, learned Government Advocate who accepts notice on behalf of the first respondent.

4.The relief sought for by the writ petitioner is an innocuous one. No prejudice would be caused to the respondent if the application dated 04.10.2021 filed by the petitioner under the Senior Citizens Act against the respondents 2 and 3 is disposed of expeditiously after hearing the respondents 2 and 3 against whom the application has been filed.

5.In the aforementioned circumstances, this Court directs the first respondent to dispose of the petitioner's application dated 04.10.2021 under the Senior Citizens Act and pass final orders on merits and in accordance with law after giving a fair opportunity of hearing to the petitioner as well as the respondents 2 and 3 within a period of three [3] months from the date of receipt of a copy of this order.

6.With the aforesaid direction, the writ petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To

The Revenue Divisional Officer /
Sub Collector,
Padmanabapuram,
Tuckaley, Kanyakumari District.

+1 CC to M/s.T.ANTONY ARUL RAJ, Advocate (SR-4698[F] dated 08/02/2022)

+1 CC to M/s.SPL GP (SR-5050[F] dated 09/02/2022)

**ORDER MADE IN
W.P. [MD]No.2503 of 2022
08.02.2022**