



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.4044 of 2022

Bakkiamani

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Collectorate Office,
Madurai District,
Madurai.

2.The District Social Welfare Officer,
District Collectorate Office,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to conduct proper enquiry based on the first respondent proceedings ஓ.மு.எண்.6665/2021/ஜெ dated 08.11.2021 and consequently directing the first respondent to expeditiously dispose the petitioner's representation dated 25.10.2021 within the stipulated time fixed by this Court.

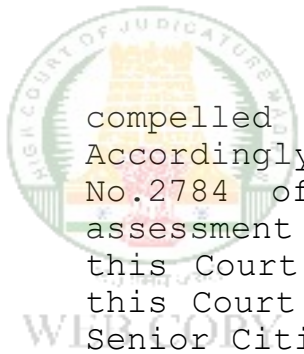
For Petitioner	: Ms.A.Banumathy
For Respondents	: Mr.M.Lingadurai Special Government Pleader

O R D E R

This Writ Petition has been filed for a Mandamus, seeking for a direction to the second respondent to conduct proper enquiry based on the proceedings of the first respondent dated 08.11.2021 and consequently to direct the first respondent to expeditiously dispose of the petitioner's representation dated 25.10.2021 within a time frame to be fixed by this Court.

2.The case of the petitioner is that earlier she had executed a Gift Settlement Deed dated 18.11.2004 in favour of her daughter Ponmani in respect of the property comprised in T.S.No.1490, Door No.12A/21, Muthu Irulappar Pandidhar Street, Simmakal, Madurai measuring an extent of 230 sq.ft.

3.According to the petitioner, it was a revokable settlement deed. Since it is the case of the petitioner that her daughter Ponmani did not maintain her properly and therefore she was



compelled to cancel the Gift Settlement Deed dated 18.11.2004. Accordingly, she had cancelled the same by a registered Document No.2784 of 2009 dated 31.08.2019. However, the property tax assessment was not made in her name and therefore she approached this Court in W.P.[MD]No.16963 of 2021. By order dated 20.09.2021, this Court directed the petitioner to file an application under the Senior Citizens Act, seeking for cancellation of the Gift Settlement Deed which was earlier executed by her in favour of her daughter Ponmani. In accordance with the said order, the petitioner has filed an application dated 25.10.2021 with the first respondent seeking for cancellation of the Gift Settlement Deed dated 18.11.2004 executed in favour of her daughter Ponmani. The first respondent has already forwarded the application to the second respondent on 08.11.2021. Since the application has not been disposed of till date, the petitioner has sought for early disposal of her application seeking for cancellation of the Gift Settlement Deed.

4.Heard Ms.A.Banumathy, learned Counsel appearing for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents.

5.No prejudice would be caused to the respondents if the petitioner's application seeking for cancellation of the Gift Settlement Deed executed in her daughter's favour is disposed of expeditiously. The petitioner is a senior citizen aged about 82 years. According to her, the Gift Settlement Deed executed by her earlier was a revokable settlement. According to her, after execution of the Gift Settlement Deed her daughter has not maintained her properly and only under those circumstances, she seeks for cancellation of the Gift Settlement Deed.

6.Accordingly, this Court directs the first respondent to pass final orders on the petitioner's application dated 25.10.2021 seeking for cancellation of the Gift Settlement Deed dated 18.11.2004 executed by her in favour of her daughter Ponmani within a period of twelve [12] weeks from the date of receipt of a copy of this order after affording a fair hearing to the petitioner and Ponmani, the daughter of the petitioner.

7.With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs.

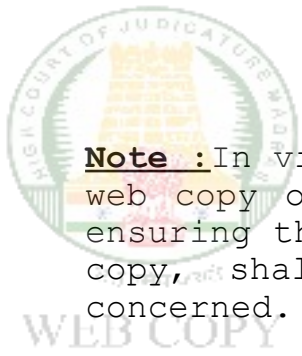
Sd/-

Assistant Registrar (Crl.)

// 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

- 1.The Revenue Divisional Officer,
Collectorate Office,
Madurai District,
Madurai.
- 2.The District Social Welfare Officer,
District Collectorate Office,
Madurai.

+1CC to Special Government Pleader SR.No.10604

ORDER MADE IN
W.P. [MD]No.4044 of 2022
07.03.2022

SA(18.03.2022) 3P 4C