



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.4725 of 2022
and W.M.P. (MD).No.3939 of 2022

Renuka

.. Petitioner

Vs

1.The Revenue Divisional Officer,
Padmanabhapuram,
at Thiruvattar, Kanniyakumari District.

2.The Sub Registrar,
Sub Registrar Office,
Verkilambi, Kanniyakumari District.

3.Amutha

4.M.S.Perumal

5.Chelladurai

.. Respondents

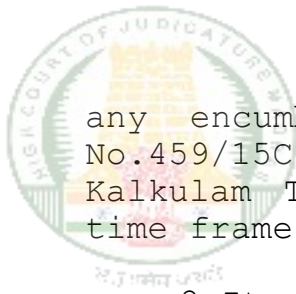
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to take immediate action in accordance with Maintenance and Welfare of Parents and Senior Citizens Act, 2007, based on the petitioner's application, dated 01.03.2022 and further direction to the 2nd respondent not to make any encumbrance on the petitioner's house property in Survey No.459/15C, situated at Karaivathu, Kannur Desem, Veeyanur Village, Kalkulam Taluk, Kanniyakumari District.

For Petitioner : Mr.M.Ramu

For Respondents : Mr.D.Sasikumar for R1 and R2
Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the 1st respondent to take immediate action in accordance with the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, based on the petitioner's application, dated 01.03.2022 and further direction to the 2nd respondent not to make



any encumbrance on the petitioner's house property in Survey No.459/15C, situated at Karaivathu, Kannur Desem, Veeyanur Village, Kalkulam Taluk, Kanniyakumari District and pass orders, within a time frame to be fixed by this Court.

2.It is the case of the petitioner that she had executed a settlement deed in favour of her daughter in the year 2008 and it is a conditional settlement. According to the petitioner, thereafter, without the knowledge of the petitioner, her daughter has executed a settlement deed in favour of her husband in the year 2018. It is also the case of the petitioner that subsequently the son-in-law of the petitioner has sold the property to a third party in the year 2022. According to the petitioner, she came to know about subsequent alienation only now. In such circumstances, she has submitted an application, dated 01.03.2022, under the Senior Citizens Act, before the first and second respondents, seeking for cancellation of the aforementioned documents. Since the said application has not been considered till date, she has filed this writ petition.

3.Heard Mr.M.Ramu, learned counsel appearing for the petitioner and Mr.D.Sasikumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 and 2.

4.The petitioner claims that clandestinely violating the conditional settlement deed executed by the petitioner in favour of her daughter, the aforementioned documents have been fraudulently executed and registered. She has given a representation on 01.03.2022, seeking for cancellation of those documents. The petitioner claims that she is aged about 64 years and claims to be a deserted woman.

5.No prejudice will be caused to the respondents if the petitioner's representation, seeking for cancellation of documents referred to supra is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and the respondents 3 to 5, who will be aggrieved by the cancellation and any other necessary party, whom the first respondent deems fit to enquire.

6.Accordingly, this Court directs the first respondent to consider the petitioner's application, dated 01.03.2022, filed under the provisions of the Maintenance and Welfare of the Parents and Senior Citizens Act, 2007 and its Rules and pass final orders on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order, after affording a fair hearing to the petitioner and the respondents 3 to 5 and any other necessary party, whom the first respondent deems fit to enquire.



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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

WEB 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,
Padmanabhapuram,
at Thiruvattar, Kanniyakumari District.

2. The Sub Registrar,
Sub Registrar Office,
Verkilambi, Kanniyakumari District.

+1 CC to M/s.SPL GP (SR-12953[F] dated 18/03/2022)

W.P. (MD) No. 4725 of 2022
17.03.2022

TM

MS/24.03.2022/3P.4C