



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.5488 of 2022

Kamsa

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Othakkadai,
Madurai District.

3.The Revenue Divisional Officer,
Melur,
Madurai District.

4.Sahul Hameed

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 21.03.2022 which was given to transfer the proceedings pending in ROC No.J/193/2022 from the file of the second respondent to the file of the third respondent for adjudication and dispose of the same within the period that may be stipulated by this Court.

For Petitioner

: Ms.Rekha
for Mr.R.Gandhi

For Respondents 1 to 3

: Mr.D.Sasikumar
Additional Government Pleader

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to consider the petitioner's representation seeking transfer of the proceedings initiated under the Senior Citizens Act from the file of the second respondent to



the third respondent.

2.It is the case of the petitioner that she has initiated proceedings against the fourth respondent who is her son under Section 23 of the Senior Citizens Act, to cancel the settlement deed which was earlier executed by her in favour of the fourth respondent. The said proceedings were initiated before the second respondent. Simultaneously, the husband of the petitioner Sikkander has initiated separate proceedings under the senior Citizens Act, also seeking for cancellation of the very same settlement deed before the Revenue Divisional Officer, Melur. Since the subject properties fell within the jurisdiction of both Madurai and Melur, separate proceedings were initiated under the Act against the fourth respondent. Thereafter, the petitioner has given a representation on 21.03.2022 to the first respondent, requesting transfer of the proceedings initiated by her husband Sikkander from the file of the second respondent to the third respondent. Since the said representation has not been considered till date, this writ petition has been filed.

3.Heard Ms.Rekha, for Mr.R.Gandhi, learned Counsel appearing for the writ petitioner and Mr.D.Sasikumar, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 to 3.

4.On instructions, learned Additional Government Pleader would submit that on receipt of the representation from the petitioner, the said representation has been forwarded to the Revenue Divisional Officer, Melur.

5.Since the representation has already been acted upon, no prejudice would be caused to the first respondent, if the representation is considered on merits and in accordance with law after affording a fair hearing to the petitioner and other necessary parties whom the first respondent deems fit to enquire.

6.For the foregoing reasons, this Court directs the first respondent to consider the petitioner's representation dated 21.03.2022, requesting for transfer of the proceedings filed under the Senior Citizens Act from the file of the second respondent to the file of the third respondent for adjudication and pass final orders within a period of eight [8] weeks from the date of receipt of a copy of this order after affording a fair hearing to the petitioner and other necessary parties whom the first respondent deems fit to enquire.



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

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

MR

To

1. The District Collector,
Madurai District,
Madurai.

2. The Revenue Divisional Officer,
Othakkadai,
Madurai District.

3. The Revenue Divisional Officer,
Melur,
Madurai District.

+1 CC to M/s.SPL GP (SR-15348[F] dated 30/03/2022)

+1 CC to M/s.R.GANDHI, Advocate (SR-15561[F] dated 31/03/2022)

ORDER MADE IN

W.P. [MD]No.5488 of 2022

29.03.2022

ARK (CO)

PA(07.04.2022) 3P 6C