



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.03.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.5884 of 2022

WEB COPY
Sankarammal

... Petitioner

/Vs./

1. The District Collector / Appellate Authority,
(Under Maintenance and Welfare of Parents
and Senior Citizen Act, 2007),
Tuticorin District, Tuticorin.

2. The Revenue Divisional Officer,
Presiding Officer,
Maintenance Tribunal,
(Under Maintenance and Welfare of Parents
and Senior Citizen Act, 2007)
Tiruchendur Taluk,
Tuticorin District.

3. Chinnadurai

4. Pillaiuma Rajendran

5. Meenakshisundaram

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to take the petitioner's application dated 08.10.2021 on file and dispose of the same after enquiry within the time frame stipulated by this Court seeking cancellation of the settlement deeds dated 25.03.2009 in Document No.598/2009 and 05.06.2013 in Document No.1336/2013.

For Petitioner
For R1 & R2

: Mr.G.Mohankumar
: Mr.M.Lingadurai
Special Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the second respondent to consider the petitioner's application dated 08.10.2021 filed under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 requesting the second respondent to cancel the settlement deed executed by her in favour of her son, the third respondent herein and pass final orders, within a time frame to be fixed by this Court.



2.The case of the petitioner is that she is a senior citizen and the third respondent is her son, in whose favour she had executed a settlement deed dated 25.03.2009. According to the petitioner, the third respondent failed to maintain her and in such circumstances, she has submitted an application on 08.10.2021 under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 with the second respondent requesting for cancellation of the settlement deed dated 25.03.2009. No final orders have been passed till date on the petitioner's application. In such circumstances, the petitioner has filed this writ petition.

3.According to the petitioner, the third respondent is her son, the fourth respondent is her daughter-in-law (wife of the third respondent) and the fifth respondent is the husband of the fourth respondent's sister.

4.No prejudice would be caused to the respondents, if the petitioner's application as stated supra is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and the respondents 3 to 5, as well as any other necessary party, whom the second respondent deems fit to enquire.

5.For the foregoing reasons, this Court directs the second respondent to consider the petitioner's application dated 08.10.2021, requesting the second respondent to cancel the settlement deed dated 25.03.2009 executed by her in favour of her son / third respondent, and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and the respondents 3 to 5, as well as any other necessary party, whom the second respondent deems fit to enquire, within a period of three [3] months from the date of receipt of a copy of this order. However, the petitioner is also directed to produce all the relevant documents with the second respondent, in order to substantiate her contentions.

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

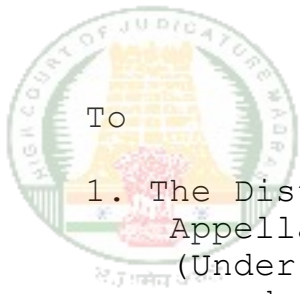
Sd/-

Assistant Registrar (CS III)

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/ /2022

Sub Assistant Registrar(CS)



To

1. The District Collector,
Appellate Authority,
(Under Maintenance and Welfare of Parents
and Senior Citizen Act, 2007),
Tuticorin District,
Tuticorin.

2. The Revenue Divisional Officer,
Presiding Officer,
Maintenance Tribunal,
(Under Maintenance and Welfare of Parents
and Senior Citizen Act, 2007)
Tiruchendur Taluk,
Tuticorin District.

+1 CC to M/s.G.MOHANKUMAR, Advocate (SR-15948[F] dated
01/04/2022)

+1 CC to M/s.SPL GP (SR-16099[F] dated 01/04/2022)

order made in

W.P. [MD]No.5884 of 2022

Dated:

31.03.2022

PA(08.04.2022) 3P 5C