



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.04.2022**

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.5965 of 2022

B.Ponnammal

... Petitioner

/Vs./

1. The District Collector,
Dindigul District, Dindigul.
2. The Revenue Divisional Officer,
Palani, Dindigul District.
3. The Sub Registrar,
Sub Registrar Office,
Vadamadurai, Vedasanthur Taluk,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 3rd respondent to implement the order of the 2nd respondent in proceedings in Mu.Mu.No.8329/2020/A3 dated 20.11.2021 passed under Section 23(1) of Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Act 2007, by cancelling the settlement deed dated 29.04.2015 in Doc.No.1883/2015 on the file of the 3rd respondent, within time frame.

For Petitioner : Mr.AN.Ramanathan

For Respondents : Mr.S.Shanmugavel

Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the third respondent to implement the order of the second respondent in Mu.Mu.No.8329/2020/A3 dated 20.11.2021 passed under Section 23(1) of Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Act, 2007, by cancelling the settlement deed dated 29.04.2015 registered in Doc.No.1883/2015 on the file of the third respondent, based on the petitioner's representation dated 23.12.2021, within a time frame to be fixed by this Court.

2.It is the case of the petitioner that by order dated 20.11.2021 passed under Section 23(1) of Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Act, 2007, the settlement deed dated 29.04.2015 registered as Doc.No.1883/2015



was ordered to be cancelled. The petitioner seeks implementation of the said order. The petitioner has given a representation on 23.12.2021 for the said purpose. Since the said representation has not been considered till date, she has filed this writ petition.

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3.Heard Mr.AN.Ramanathan, learned Counsel for the writ petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

4.The petitioner has filed a copy of the order dated 20.11.2021 passed by the second respondent, under which, the settlement deed referred to supra, was ordered to be cancelled. The petitioner is the mother and she had earlier executed a settlement deed dated 29.04.2015 in favour of his son, which was ordered to be cancelled at her instance by the second respondent under the proceedings initiated under Section 23(1) of Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

5.No prejudice would be caused to the respondents, if the representation of the petitioner seeking for implementation of the aforementioned order is considered on merits and in accordance with law, after affording a fair hearing to the petitioner, and her son, Duraisamy, in whose favour earlier the settlement deed stood.

6.Accordingly, this Court directs the third respondent to consider the representation of the petitioner dated 23.12.2021 seeking implementation of the order of the second respondent, under which the settlement deed dated 29.04.2015 registered in Doc.No.1883/2015 executed by the petitioner in favour of her son, Duraisamy, was ordered to be cancelled and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner, and her son, Duraisamy, in whose favour earlier the settlement deed stood, within a period of twelve [12] weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

1. The District Collector,
Dindigul District,
Dindigul.
2. The Revenue Divisional Officer,
Palani,
Dindigul District.
3. The Sub Registrar,
Sub Registrar Office,
Vadamadurai,
Vedasanthur Taluk,
Dindigul District.

order made in
W.P.[MD]No.5965 of 2022
Dated: 01.04.2022

USK/12.04.2022/3P/4C