



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.6693 of 2022

WEB COPY

Gomathi

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

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

3.The District Social Welfare Officer,
Madurai District,
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 pass the suitable order upon the petition made by the petitioner dated 09.11.2021 within a stipulated period as fixed by this Court.

For Petitioner	: Mr.K.Sivabalan
For Respondents	: 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 second respondent to pass final orders on the petitioner's representation dated 09.11.2021 given under the Senior Citizens Act, seeking for cancellation of the settlement deed dated 08.12.2010, executed in favour of her son Manogaran by the petitioner's husband A.Murugan, on the ground that her son has not been maintaining her.

2.The petitioner has filed a copy of the settlement deed executed by her husband on 08.12.2010 in favour of her son Manogaran, along with this writ petition. The petitioner has given a representation on 09.11.2021 to the official respondents, requesting them to cancel the settlement deed dated 08.12.2010 executed by her late husband on the ground that her son has not been maintaining her. Admittedly, the said representation has not been considered



till date. In such circumstances, the petitioner has filed this writ petition.

3. Heard Mr.K.Sivabalan, learned Counsel appearing for the writ petitioner and Mr.D.Sasikumar, learned Additional Government Pleader who accepts notice on behalf of the respondents.

4.No prejudice would be caused to the respondents if the petitioner's representation dated 09.11.2021 given under the Senior Citizens Act is considered on merits and in accordance with law after affording a fair hearing to the petitioner and her son Manogaran. The petitioner is a senior citizen and it is her contention that her son Manogaran has not been maintaining her, despite the fact that her late husband while he was alive has executed a settlement deed dated 08.12.2010, in favour of Manogaran. The merits of the claim will have to be considered by the second respondent while passing final orders on the petitioner's representation.

5.For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representation dated 09.11.2021 seeking for cancellation of the settlement deed dated 08.12.2010, executed by the petitioner's late husband A.Murugan in favour of Manogaran and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner and Manogaran 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.

6.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,
Madurai,
Madurai District.



3.The District Social Welfare Officer,
Madurai District,
Madurai.

+1 CC to M/s.K. SIVABALAN, Advocate (SR-17795[F] dated 11/04/2022)

+1 CC to M/s.SPL.GP. (SR-18121[F] dated 12/04/2022)

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MGJ(27.04.2022) 3P 6C