



W.P.(MD)No.23746 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.10.2022

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.23746 of 2022

Ameenaammal, W/o.Late. Abdul Rahim

.. Petitioner

Versus

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Revenue Divisional Officer,
Aranthangi Taluk,
Pudukkotai District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to consider the petitioner's representation, dated 23.08.2022 and number the appeal, within the time frame to be stipulated by this Court.

For Petitioner : Ms.Prabha
for Mr.D.Rameshkumar

For Respondents : Mr.C.Satheesh
Government Advocate

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the first respondent to consider her representation, dated 23.08.2022 and number the appeal, within the time frame to be stipulated by this Court.



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2. Heard Ms. Prabha, learned counsel appearing for the petitioner and Mr. C. Satheesh, learned Government Advocate, who takes notice for the respondents. By consent of both sides, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that she married one Abdul Rahim. Due to the said wedlock, they were blessed with four daughters and two sons. During the life time of her husband, her younger son, namely, Shahull Hameed demanded partition of the property of her husband. Due to his intolerable attitude, the petitioner and her husband agreed to settle some properties to him. Based on the said settlement, the properties situated at Manmelkudi were allotted in favour of the petitioner and her daughters are maintaining her and she is under their care and custody till date. The petitioner's sons never maintained her and they did not give any medical assistance to her. Hence, out of love and affection, the petitioner executed a settlement deed in favour of her daughters and they are in peaceful possession and enjoyment of the said property. While the things stood thus, the petitioner's husband died. When the execution of the settlement deed came to the knowledge of her sons, they started giving trouble to the petitioner and further, they forcibly evicted the petitioner from the said property and put up alternative superstructure in the said property. Hence, the petitioner approached the second respondent under



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the Maintenance and Welfare of Parents and Senior Citizens Act, 2007

[hereinafter referred to as "the Act"] and the same was taken on file in Na.Ka.No.2272/2021/A2 and an order was passed on 23.04.2022, directing the petitioner's sons to pay a sum of Rs.10,000/- as monthly maintenance and in respect of dispossession of her property, the petitioner was advised to approach the civil court.

4. Aggrieved over the said order passed by the second respondent, the petitioner preferred an appeal before the first respondent as per Section 16 of the said Act and the same has been sent through Registered Post on 23.08.2022. However, so far no action has been taken. In the meanwhile, the petitioner's sons demolished the said building and taken away the belongings of the petitioner. Hence, the petitioner preferred a complaint to the Inspector of Police, Manmelkudi and the Superintendent of Police, Pudukottai, on 07.09.2022. However, so far no action has been taken. Hence, having left with no other efficacious remedy, the petitioner has filed the present Writ Petition for the relief stated supra.

5. On a perusal of the order passed by the second respondent/Revenue Divisional Officer, Aranthangi Taluk, Pudukottai District, it is seen that Rs.10,000/- was directed to be paid by the petitioner's sons as monthly



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maintenance, as they are not taking care of the petitioner and she is living with her daughters and in respect of dispossession of her property, the petitioner was advised to approach the competent civil court. The petitioner has not chosen to do so, but filed an appeal before the first respondent and the same is pending without assigning any number. Now, the petitioner has filed the Writ Petition, seeking a direction to the first respondent to number her appeal, dated 23.08.2022 and consider the same.

6.The learned Government Advocate appearing for the respondents submitted that the petitioner's appeal would be numbered and considered by the first respondent after providing an opportunity to all the necessary parties concerned, within a time frame.

7.Considering the aforesaid facts and circumstances, this Court, without going into the merits of the case directs the first respondent to number the petitioner's appeal and pass appropriate orders after providing an opportunity of hearing to all the necessary parties concerned, within a period of 16 weeks from the date of receipt of a copy of this order.

8.This Writ Petition stands disposed of with the above direction. No costs.

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V.BHAVANI SUBBAROYAN, J.

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Order made in
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