



W.P.(MD)No.26245 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.11.2022

CORAM

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.26245 of 2022

Lakshmanan

.. Petitioner

Vs.

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Musiri Revenue Division,
Trichy District.

2.Ganesan

3.Pragadeeshwaran

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the first respondent to consider the petitioner's petition filed under Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 dated 28.10.2022 and pass appropriate orders in accordance with law within a time stipulated by this Court.

For Petitioner	: Mr.N.Anandakumar
For R1	: Mr.D.Gandhiraj Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the first respondent to consider the petitioner's petition filed under



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Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 dated 28.10.2022 and pass appropriate orders in accordance with law within the time to be stipulated by this Court.

2.Heard Mr.N.Anandakumar, learned counsel for the petitioner and Mr.D.Gandhiraj, learned Special Government Pleader, who takes notice for the first respondent. Considering the nature of proposed to be passed in this writ petition, notice to the second and third respondents is dispensed with. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3.The grievance of the petitioner is that he is the senior citizen. The second and third respondents are his son and grandson, respectively and they are not maintaining the petitioner and dispossessed him from his property

4. The learned counsel for the petitioner submitted that the petitioner has two sons and two daughters, of whom one daughter predeceased him. He had executed a settlement deed in favour of the third respondent, who is the son of the petitioner's younger son, under the fond hope of maintaining him. But, the second and third respondents after obtaining the settlement deed has thrown out the petitioner from their house. When the petitioner sought help of



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his elder son and the daughter, they also refused to help the petitioner, since he had executed a settlement deed without their consent. Hence, the petitioner filed a petition under Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 through registered post. Till date, no action has been taken on the same. Hence, the petitioner has filed the present writ petition.

5.No prejudice would be caused to the first respondent, if the petitioner's representation filed under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and the second and third respondents, as well as any other necessary party, 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 28.10.2022, and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and the second and third respondents, as well as any other necessary party, whom the first respondent deems fit to enquire, within a period of sixteen [16] weeks from the date of receipt of a copy of this order.



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WEB COPY 7. With the above direction, this Writ Petition is disposed of. No costs.

21.11.2022

Index : Yes/No
Internet : Yes/No
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To

The Revenue Divisional Officer,
Revenue Divisional Office,
Musiri Revenue Division,
Trichy District.



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V.BHAVANI SUBBAROYAN, J.

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Order made in
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21.11.2022