



W.P.No.4074 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.4074 of 2023
and W.M.P.Nos.4125, 4128 and 16427 of 2023

V.Bodiyammal

... Petitioner

Vs.

1.The District Collector,
Krishnagiri District,
Krishnagiri.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Krishnagiri.

3.The Sub-Registrar,
Uthangarai Sub-Registrar Office,
Krishnagiri.

4.V.Mariyappan

5.V.Govindaraj

6.Amalarani

... Respondents



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Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the 1st respondent vide மு.35972/2022/சு2, dated 24.01.2023 and quash the same, consequently direct the 4th and 5th respondent to handover the possession to the 6th respondent in respect of the agriculture property comprised in S.Nos.3/2C and 4/1C.

For Petitioner : Mr.P.Govindarajan

For Respondents : Mr.M.Bindran
Additional Government Pleader
for R1 to R3

Mr.K.Thiruvengadam for R4

M/s.T.Vanitha for R5

Mr.D.Selvam for R6

ORDER

The petitioner is a nonagenarian, who approached the RDO under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (in short "the Act") and had the settlement deed cancelled, on the allegation that she had been duped by her children namely respondents 4 and 5, into signing the documents on the pretext of signing Old Age Pension form. Her prayer was acceded to by the RDO, who allowed her application and cancelled the settlement deed vide



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proceedings dated 24.01.2023, and it is recorded in the proceedings that the fifth respondent had admitted his role vis-a-vis the allegations made by the petitioner.

2. Where any senior citizen is aggrieved by the order of RDO, has a right of appeal available under Section 16 of the Act, and this appeal has to be filed within a period of sixty days, but not to his/her children. However, contrary to this provision, the District Collector has entertained an appeal filed by one of the sons of the petitioner, the fourth respondent herein, and has set the order of the RDO aside, without notice or reference to the petitioner. In between, the petitioner had sold the property to the sixth respondent.

3. Heard M.Bindran, the learned Additional Government Pleader appearing for R1 to R3, Mr.K.Thiruvengadam, the learned counsel appearing for R4, M/s.T.Vanitha, the learned counsel appearing for R5, and Mr.D.Selvam appearing for R6.

4. It is very apparent that the District Collector has exercised jurisdiction under Section 16 of the Act, even though the provision for appeal is only enabled for



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senior citizens and not for the children of the senior citizen. In light of this, 4th respondent should have challenged the order of the Revenue Divisional Officer before this Court and not by way of an appeal before the District Collector. This necessarily implies that this court has to set aside the order of the District Collector.

8.In view of the above, the impugned order of the 1st respondent, dated 24.01.2023 is set aside and this Writ Petition stands allowed accordingly. No Costs. Consequently, the connected miscellaneous petitions are closed.

9.Since the 6th respondent has already purchased the property, that *status quo* will continue for the next 30 days to enable the 4th respondent to challenge the order of the RDO, if he is so desires.

21.07.2023

Anu

Index : Yes / No

Neutral citation : yes/no



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N.SESHASAYEE, J.
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