



W.P.No.7120 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.7120 of 2023

G.Nathan

...Petitioner

Vs.

1. The Revenue Divisional Officer,
Ambattur Division,
At No.5-73, Sh 112, Gandhi Nagar,
Anna Nagar West Extension,
Chennai-600 040.

2. N.Ilangovan

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to dispose of the application filed by the petitioner dated 01.09.2022 under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 within the timeframe that may be fixed by this Hon'ble Court.

For Petitioner : Mr.M.Aloysius Raja Pragash

For Respondents : Mr.E.Veda Bagath Singh,
Special Government Pleader, for R1



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ORDER

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The petitioner has filed this Writ petition seeking direction to the 1st respondent to dispose of the petitioner's application dated 01.09.2022 filed under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

2. Mr.E.Veda Bagath Singh, learned Special Government Pleader takes notice for the first respondent. In view of the consent expressed by the Learned counsel appearing for either side, this petition is taken up for final disposal at the admission stage itself.

3. Since no adverse order is being passed against the 2nd respondent, notice to the private respondent is dispensed with.

4. The case of the petitioner is that the petitioner is a Senior citizen, aged about 82 years. The petitioner purchased the property to an extent of 51 1/4 cents, comprised in Re-Survey.No.339/10, situated at Vilancode Village, Kanyakumari District, vide registered Sale deed bearing Doc.No.2452/1966 and pursuant to the said purchase, the petitioner is in absolute possession and enjoyment of the same. While so, the 2nd respondent herein, who is none other than the petitioner's elder son, by



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making false promises, made the petitioner to execute a settlement deed dated 12.07.2010 bearing Doc.No.1629/2010 in his favour in respect of the subject property. However, after execution of the said settlement deed, the 2nd respondent is not taking care of the petitioner. When the same was questioned by the petitioner, the 2nd respondent threatened the petitioner with dire consequences. Therefore, the petitioner made several complaints, which evoked no response. Hence, the petitioner filed an application dated 01.09.2022 before the 1st respondent, under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, however, till date, no orders have been passed on the said application. Hence, this present petition is filed.

5. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 1st respondent to consider the petitioner's application dated 01.09.2022 and to consequently, cancel the settlement deed dated 12.07.2010 executed in favour of the 2nd respondent as expeditiously as possible.

6. Learned Special Government Pleader appearing for the 1st respondent submitted that the petitioner's application dated 01.09.2022 will



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be considered and appropriate orders will be passed within the time stipulated by this Court.

7. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the 1st respondent to consider the petitioner's application dated 01.09.2022 on merits and in accordance with law and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner and the 2nd respondent.

8. Accordingly, this writ petition is disposed of. No costs.

08.03.2023

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NCC : Yes/ No
Speaking Order : Yes/ No
Index : Yes/ No

To

The Revenue Divisional Officer,
Ambattur Division,
At No.5-73, Sh 112, Gandhi Nagar,
Anna Nagar West Extension, Chennai-600 040.

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M.DHANDAPANI, J.

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