



WEB COPY



W.P. No. 7033 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 7033 of 2021

Rajashree

... Petitioner

-VS-

1. The District Collector,
Coimbatore Collectorate,
Railway Station Road,
Coimbatore – 641018.
2. The Revenue Divisional Officer,
Coimbatore South,
Railway Station Road,
Coimbatore – 641018.
3. The Thasildar,
Kinath Kadavu Taluk Officer,
Kinathu Kadavu,
Coimbatore District.
4. The Manager,
V.G.P. Housing (P) Ltd.,
V.G.P. Square, No.6, Dharmarajar Koil Street,
Saidapet, Chennai – 600015.
5. The Branch Manager,
V.G.P. Housing (P) Ltd., & Land
Gandhipuram,
Gokulam Chit Fund (Back Side)
Coimbatore.

... Respondents



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Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Second Respondent to consider the Petitioner's representation dated 18.01.2021 as per Section 8 of the Maintenance and Welfare of Parents and Senior Citizen Rule, 2009 consequently direct him to take necessary action against the Fourth and Fifth Respondents.

For Petitioner : Mr. B.Manimaran

For Respondents : Mr. U.Baranidharan,
Additional Government Pleader
(for R1 to R3)

Mr. K.Sathiya
for Mr. Shivakumar and Mr.Suresh
(for R4)

No appearance (for R5)

O R D E R

Heard Mr. B.Manimaran, Learned Counsel for the Petitioner, Mr. U.Baranidharan, Learned Additional Government Pleader appearing for the First to Third Respondents and Mr. K.Sathiya, Learned Counsel for Mr. Shivakumar, Learned Counsel and Mr. Suresh, Learned Counsel appearing for the Fourth Respondent and perused the materials placed on record, apart from the pleadings of the parties.



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2. The grievance ventilated by the Petitioner is that the Fourth and Fifth Respondents from whom she had purchased a housing plot have evaded to execute a Sale-Deed and she had made a representation dated 18.01.2021 to the First to Third Respondents invoking the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 (hereinafter referred to as 'the Act' for short) but as it did not evoke any response, it has necessitated the filing of this Writ Petition.

3. When it is pointed out that the nature of relief sought by the Petitioner from the First to Third Respondents does not fall within the purview of the Act, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petitioner reserving the right of the Petitioner to pursue her legal remedies before the proper forum (including the Consumer Protection Act, 2019) and he has made an endorsement to that effect in the court record.

In fine, the Writ Petition is dismissed as withdrawn granting such liberty. It is made clear that for the purpose of reckoning limitation for availing the aforesaid remedy, the period from the date of filing of the Writ Petition, viz., 12.03.2021, till the date on which the certified copy of this order is made ready



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by the Registry, shall be excluded. No costs

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kv

Index: Yes/No

NCS : Yes

Note: Issue order copy by 31.01.2024.

To

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P.D. AUDIKESAVALU, J.

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