



W.P.No.7866 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.03.2023

CORAM

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

W.P.No.7866 of 2023

N.Adhilakshmi

...Petitioner

..Vs..

1. The District Collector,
Villupuram.
2. The Sub Collector Tindivanam,
Tindivanam.
3. Selvam

4. Gopi

...Respondents

PRAYER: Petition filed Under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the first respondent to number the appeal filed on 15.03.2022 and to adjudicate the appeal against the order of the tribunal made in Na.Ka.A3.4232 of 2019 on 23-12-2019 and dispose of the same.

For Petitioner : Ms.V.Balamurugan

For Respondents : Mr.E.Veda Bagath Singh
Special Government Pleader [R1 & R2]



W.P.No.7866 of 2023

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the first respondent to number the appeal filed on 15.03.2022 and to adjudicate the appeal against the order of the tribunal made in Na.Ka.A3.4232 of 2019 on 23-12-2019 and dispose of the same.

2. Since no adverse orders is being passed against the respondents 3 and 4, notice to respondents 3 and 4 is dispensed with.

3. Mr.V.Balamurugan, appears for the learned counsel for the petitioner. Mr.E.Veda Bagath Singh, learned Special Government Pleader accepts notice on behalf of official respondents.

4. It is the case of the petitioner that she purchased a property in Tindivanam. The petitioner has two sons ie., the respondents 3 and 4 and two daughters. Out of love and affection the petitioner executed a settlement deed in favour of respondents 3 and 4. After execution of the said settlement deed, the respondents 3 and 4 subjected the petitioner to serious and severe hardships physically and mentally, thereby not maintained the petitioner even to sustain her life with basic amenities.



W.P.No.7866 of 2023

While so, she made representations dated 18.11.2019 and 27.01.2020, before the second respondent as per the Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and the Tamil Nadu Rules to revoke the settlement deed, which remained unanswered. Hence, the petitioner filed a writ petition in W.P.No.4929 of 2022 before this Court seeking to dispose of the aforesaid representations, wherein this Court vide order dated 04.03.2022 dismissed the same with liberty to the petitioner to file an appeal before the appellate authority based on the order dated 23.12.2019 passed by the second respondent which was circulated by learned Government Pleader. While so, the petitioner preferred an appeal against the order dated 23.12.2019 before the authority concerned on 15.03.2022. Since no response is forthcoming, the petitioner has come up with the above writ petition seeking the aforesaid relief.

5. Though very many grounds have been raised in the above writ petition, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the first respondent to dispose of the appeal dated 15.03.2022 filed by the petitioner within the time frame that may be stipulated by this Court.



W.P.No.7866 of 2023

WEB COPY 6. On the above contentions heard learned Additional Government Pleader appearing for the official respondents and perused the materials placed before this Court.

7. Alleging non consideration of the representations dated 18.11.2019 and 27.01.2020 made by the petitioner to revoke the settlement deed as per the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007, the petitioner has filed a writ petition before this Court in W.P.No.4929 of 2022, wherein this Court vide order dated 04.03.2022 dismissed the writ petition pursuant to the order passed by the second respondent dated 23.12.2019 with liberty to the petitioner to prefer an appeal before the appellate authority and if such appeal is filed within twelve weeks from 04.03.2022, the appellate authority was directed to dispose of the same as expeditiously as possible, due to which, the petitioner preferred an appeal dated 15.03.2022 before the appellate authority, which did not evoke any response. Hence the present writ petition has been filed.

8. Though the facts stand as such, however, the prayer sought for



W.P.No.7866 of 2023

in this writ petition was already granted by this Court vide order dated 04.03.2022 and if the said order is not complied with by the first respondent, the petitioner has to file a contempt petition against the authority for non compliance of the same. Without doing so, filing the present writ petition seeking a mere direction to the first respondent to dispose of the appeal filed by the petitioner is not sustainable. Hence, this Court is not inclined to pass any affirmative direction in favour of the petitioner.

9. Accordingly, this writ petition is dismissed with liberty to the petitioner to file a contempt petition before this Court. No costs.

15.03.2023

Index : Yes / No
Internet : Yes / No
Speaking/Non-speaking order : Yes / No
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To

1. The District Collector,
Villupuram.
2. The Sub Collector Tindivanam,
Tindivanam.



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W.P.No.7866 of 2023

M.DHANDAPANI, J.

RAP

W.P.No.7866 of 2023

15.03.2023