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W.P.No.8788 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

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

W.P.No.8788 of 2023

M.Ramachandran

...Petitioner

Vs.

1. The District Collector,
O/o. The Collectorate of Chennai,
4th Floor, M.Singaravelar Maaligai,
62, Rajaji Salai, Beach Road,
George Town, Chennai - 600 001.
2. The Revenue Divisional Officer,
Guindy Zone, Anna Salai,
Guindy, Chennai - 600 032.
3. The Sub Registrar,
Alandur Sub-Registrar Office,
15/17, Military Quarters,
Alandur, Chennai - 600 016.
4. R.Umamaheshwari
5. R.Prabhavathy

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to dispose the appeal complaint dated 28.11.2022 against the order passed by the 2nd respondent in Se.Mu.No.A/3/2819/2021 dated 14.06.2022 within a stipulated time fixed



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by this Hon'ble Court.

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For Petitioner : M/s.Law Vision

For Respondents : Mr.E.Veda Bagath Singh, Spl.GP, for R1-3

ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus to direct the 1st respondent to dispose of the appeal dated 28.11.2022 filed by the petitioner as against the order passed by the 2nd respondent in Se.Mu.No.A/3/2819/2021 dated 14.06.2022.

2. Mr.E.Veda Bagath Singh, learned Special Government Pleader, takes notice for the respondents 1 to 3. In view of the consent expressed by the Learned counsel on either side, this petition is taken up for final disposal.

3. Since no adverse order is being passed against the 4th and 5th respondents, notice to the private respondents is dispensed with.

4. The case of the petitioner is that the petitioner got married to one Thirumalaikumari and out of their wedlock, they were blessed with 3

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children namely Umamaheshwari/4th respondent, Prabavathy/5th respondent

and one Gokulnath. The petitioner purchased the land measuring an extent

of 2409 sq. ft., bearing Pamish No.170/2, at Plot No.21, New No.17, Old

No.11, Gokul Nivas, Adambakkam, Chennai from one K.Veeraragavalu for

a valid sale consideration, vide registered Doc.No.2820/1982, in which, the

petitioner constructed a house and resided in the same along with his wife

and son's family. While so, the 4th and 5th respondents herein, who are none

other than the petitioner's daughters, by making false promises to the

petitioner that they will take care of the petitioner and his wife till their

death, obtained the signature of the petitioner in the settlement deed dated

11.06.2018 bearing Doc.No.2492/ 2018 in respect of the subject property.

However, after obtaining the petitioner's signature in the said Settlement

deed, the 4th and 5th respondents stopped visiting the petitioner and failed

to fulfil their promise. Aggrieved by the above said action of the private

respondents, the petitioner made a complaint dated 13.08.2021 before the

2nd respondent under the Maintenance and Welfare of Parents and Senior

Citizens Act, 2007, seeking to cancel the settlement deed dated 11.06.2018.

However, the 2nd respondent, without considering any of the above said

facts, rejected the petitioner's claim vide order dated 14.06.2022 and

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directed the private respondents herein to pay a monthly maintenance of

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Rs.3,000/- each to the petitioner. Aggrieved by the above said order of the 2nd respondent, the petitioner filed an appeal dated 28.11.2022 before the 1st respondent, however, till date, no orders have been passed on the said appeal. Hence, this Writ petition.

5. Though very many grounds have been raised, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the 1st respondent to dispose of the petitioner's appeal dated 28.11.2022, as expeditiously as possible.

6. Learned Special Government Pleader appearing for the official respondents submitted that appropriate orders will be passed on the petitioner's appeal dated 28.11.2022 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 appeal dated 28.11.2022 on merits and in accordance with



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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 private respondents.

8. With the above directions, this Writ petition stands disposed of. No costs.

21.03.2023

skt

Speaking Order : Yes/ No

Index : Yes/ No

To

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Alandur, Chennai - 600 016.



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M.DHANDAPANI, J.

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