



WEB COPY



W.P.No.13371 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2023

CORAM :

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

W.P.No.13371 of 2023

R.Gowri

... Petitioner

vs.

1.The District Collector,
Ranipet District,
Ranipet.

2.R.Logeswaran

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 07.02.2023 and consequently, direct the first respondent to cancel the partition deed executed by the petitioner in favour of the second respondent in so far as the Schedule-B to the partition deed is concerned.

For Petitioner : Ms.M.Subha

For Respondents : Mr.V.Manoharan
Additional Government Pleader [R1]



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ORDER

The petitioner has filed this Writ Petition seeking issuance of Writ of Mandamus, to direct the first respondent to consider the petitioner's representation dated 07.02.2023 and consequently, to direct the first respondent to cancel the partition deed executed by me in favour of the second respondent in so far as the Schedule-B to the partition deed is concerned.

2. Mr.V.Manoharan, learned Additional Government Pleader accepts notice for the first respondent. In view of the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

3. Since no adverse order is passed against the second respondent, notice to the second respondent is dispensed with.

4. The case of the petitioner is that, the relationship between the petitioner and the second respondent is mother and son. She executed a partition deed dated 02.01.2020 in favour of the second respondent in



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respect of Schedule-B property. Thereafter, due to various reasons, the petitioner filed a petition under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007, before the first respondent for cancellation of the said partition deed. Since the same was not considered by the first respondent, the petitioner filed the above writ petition before this Court for appropriate orders.

5. Though very many grounds have been raised in the writ petition, the learned counsel for the petitioner submits that, it would suffice, if this Court issues a direction to the first respondent to consider the petitioner's representation dated 07.02.2023 seeking to cancel the partition deed dated 02.01.2020 and pass appropriate orders, within a time frame that may be stipulated by this Court.

6. On the above contentions, heard the learned Additional Government Pleader appearing for the first respondent and perused the materials available on record.

7. The facts in the present case is not in dispute. Admittedly,



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the petitioner is the mother of the second respondent and both of them entered into a registered partition deed dated 02.01.2020. Thereafter, the petitioner made a complaint before the first respondent for cancellation of partition deed. However, if the petitioner had any grievance in respect of non-maintenance by the second respondent, she ought to have ventilated her grievance before the competent authority under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 or should have approached the competent Civil Court as it is purely a civil dispute in between the petitioner and the second respondent. The petitioner directly filing a complaint before the District Collector/appellate authority for cancellation of partition deed is not sustainable, since the first respondent has no jurisdiction to cancel the partition deed. Hence, the prayer sought for in the present writ petition cannot be granted and the Writ Petition is liable to be dismissed.

8. Accordingly, the Writ Petition is dismissed. However, liberty is granted to the petitioner to workout the remedy in the manner know to law either before the competent authority under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 or before the competent



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Civil Court. No costs.

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Index : Yes/No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
sp

To

The District Collector,
Ranipet District,
Ranipet.



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M.DHANDAPANI, J.

sp

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