



WEB COPY



W.P.No.10708 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2023

CORAM

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

W.P.No.10708 of 2023

Pappammal

...Petitioner

Vs.

1. The Revenue Divisional Officer,
Tiruppur,
Tiruppur District.

2. V.Balasubramanian

3. M.Muralidharan

4. B.Vishnu Prasath

...Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 1st respondent to pass orders on the petitioner's application dated 07.03.2023 filed under Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007, within the time frame fixed by this Hon'ble Court.

For Petitioner : Mr.N.C.Ashok Kumar

For Respondents : Mr.U.Bharanidharan, AGP, for R1



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ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the 1st respondent to pass orders on the petitioner's application dated 07.03.2023 filed under Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007.

2. Mr.U.Bharanidharan, learned Additional Government Pleader takes notice for the 1st respondent. In view of consent expressed by the learned counsel on 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 respondents 2 to 4, notice to the private respondents is dispensed with.

4. The case of the petitioner is that the petitioner's husband namely Veluchamy was running an inner wear manufacturing factory in the name and style of Sparrow Knitting Company. The said Veluchamy along with his partners jointly purchased several properties and they partitioned the said



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joint properties, vide registered partition deed dated 14.07.1964 and the petitioner's husband was allotted with certain lands. The petitioner's husband executed a registered Will dated 13.06.2003, bequeathing life interest of the above said joint properties in favour of the petitioner and vested remainder in favour of the private respondents. While so, after the demise of the petitioner's husband, the private respondents by making false promises, obtained the signature of the petitioner in the release deed in respect of the joint properties mentioned in the WILL dated 13.06.2003. After obtaining the petitioner's signature, the respondents are not taking care of the petitioner and refused to give money for her medical and other personal expenses. Aggrieved by the above said action of the private respondents, the petitioner made an application dated 07.03.2023 before the 1st respondent under Section 23(1) of Maintenance and Welfare of Parents and Senior Citizen Act, 2007, seeking to declare the said release deed dated 25.07.2011 as null and void and cancel the same. However, till date, no orders have been passed on the said application. Hence, this Writ petition.

5. Though very many grounds have been raised, learned counsel for



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the petitioner submits that, it would suffice, if this Court issues direction to the 1st respondent to consider the petitioner's application dated 07.03.2023 and consequently, cancel the release deed dated 25.07.2011 as expeditiously as possible.

6. Learned Additional Government Pleader appearing for the 1st respondent submitted that, pursuant to the application dated 07.03.2023 made by the petitioner, an enquiry notice was sent to the parties and the matter was posted on 11.04.2023 for enquiry. Hence, appropriate orders will be passed on the petitioner's application 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 conclude the proceedings initiated upon receipt of the petitioner's application dated 07.03.2023 and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this



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order, after conducting proper enquiry in between the parties, by affording an opportunity of personal hearing to the petitioner as well as the private respondents.

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

12.04.2023

skt

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

To

The Revenue Divisional Officer,
Tiruppur,
Tiruppur District.

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M.DHANDAPANI., J.

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