



W.P.No.17554 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

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M.Shanmugam

... Petitioner

vs.

1.The District Collector,
Thiruvallur District,
Thiruvallur.

2.The District Registrar,
Thiruvallur District,
No.184/12G, State Highway 50,
Pungathur SP Nagar,
Thiruvallur.

3.The Sub-Registrar,
Redhils Sub-Register Office,
Redhils,
Thiruvallur District.

4.S.Ramalingam
5.Sarala

... 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 05.01.2023, 19.12.2022 to



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cancel the settlement deed executed by the petitioner in favour of fourth and fifth respondents who are son and daughter of the petitioner vide document No.5783 of 2020 dated 31.08.2020 for the property bearing Old Survey No.97/9, New Survey No.97/9B, Patta No.1810 with an extent of 2266 sq.ft. situated at No.118, Padiyanallur Village, Ponneri Taluk, Thiruvallur District.

For Petitioner : Mr.C.Sathyakumar

For Respondents : Mr.V.Manoharan
Additional Government Pleader [R1 to R3]

ORDER

The petitioner has filed this Writ Petition seeking for a Writ of Mandamus, to direct the first respondent to consider the petitioner's representations dated 19.12.2022 and 05.01.2023 to cancel the settlement deed executed by the petitioner in favour of fourth and fifth respondents, who are son and daughter of the petitioner, vide document No.5783 of 2020, dated 31.08.2020 for the property bearing Old Survey No.97/9, New Survey No.97/9B, Patta No.1810 with an extent of 2266 sq.ft. situated at No.118, Padiyanallur Village, Ponneri Taluk, Thiruvallur District.



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2. Mr.V.Manoharan, learned Additional Government Pleader accepts notice for the respondents 1 to 3. 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 respondents 4 and 5, notice to the respondents 4 and 5 is dispensed with.

4. The case of the petitioner is that, the petitioner is the father of the respondents 4 and 5. Out of love and affection, the petitioner executed a settlement deed dated 31.08.2020 in favour of the respondents 4 and 5. Thereafter, the respondents 4 and 5 are not taking care of the petitioner and abandoned him. Hence, the petitioner has made a representation dated 19.12.2022 before the first respondent under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 seeking to cancel the settlement deed dated 31.08.2020. Thereafter, he has sent remainder dated 05.01.2023 to the first respondent. However, the first respondent has not considered the same. Therefore, the petitioner filed the above writ petition before this Court for appropriate orders.



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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 representations dated 19.12.2022 and 05.01.2023 seeking to cancel the settlement deed dated 31.08.2020 and pass appropriate orders, after providing an opportunity of personal hearing to the petitioner, within a time frame that may be stipulated by this Court.

6. The learned Additional Government Pleader appearing for the respondents 1 to 3 has no objection for the said order being passed.

7. In view of the aforesaid submissions, this Court, without going into the merits of the case, directs the first respondent to consider the petitioner's representations dated 19.12.2022 and 05.01.2023 and pass appropriate orders, on merits and in accordance with law, after providing opportunity to all the necessary parties, within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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8. With the above direction, the Writ Petition is disposed of. No costs.

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

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M.DHANDAPANI, J.

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