



WEB COPY

W.P.No.20602 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.20602 of 2023

Dhanavel Padayatchi

... Petitioner

Vs.

1.The Sub Registrar,
Office of the Sub Registrar,
Town Panchayath Office back side,
Vadalur – 607 303.

2.Jambulingam

3.The District Collector,
Cuddalore District,
Cuddalore
(R3 impleaded suo motu vide order of
this Court dated 31.07.2023)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to cancel the settlement deeds in document No.4505/2010 and Document No.2739/2017 executed by the petitioner in favour of the 2nd respondent.

For Petitioner : Ms.S.Vennila

For Respondents : Mr.C.Jayaprakash,
Government Advocate



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ORDER

The relief sought for in the present writ petition is to direct the first respondent to cancel the settlement deeds in Doc.No.4505 of 2010 and Doc.No.2739 of 2017 executed by the petitioner in favour of the second respondent.

2. The petitioner states that he is a retired Headmaster and have three daughters and two sons. The second respondent/son was born after three girl children and the petitioner states that himself and his wife have been raising the second respondent / son with immeasurable love and affection. The petitioner narrates how he has provided education to the second respondent/son. Out of love and affection, the petitioner executed settlement Deeds in favour of the second respondent/son in respect of the properties belonged to him. However, the second respondent/son negotiated the petitioner and his wife and now the petitioner is living at the mercy of his girl children. The petitioner and his wife are not looked after by the second respondent. The second respondent who is the first son of the petitioner is working as Assistant Executive Engineer in Tamil Nadu Electricity Board.



The petitioner executed the settlement deeds in favour of the second respondent, since he promised that he will take care of the petitioner and his wife. Since the second respondent neglected his parents, the petitioner has filed the present writ petition for cancelling the settlement deeds.

3. Writ Court cannot cancel the settlement deeds directly, since the adjudication is to be conducted with reference to the facts and circumstances. The petitioner is aged about 80 years and is a senior citizen and if at all any settlement deeds have been executed in favour of one son and the said son has neglected his parents, then the senior citizen is entitled to file an appropriate application under the Senior Citizen Act for the purpose of cancelling the settlement deeds.

4. The Revenue Divisional Officer is the original authority under the Senior Citizen Act and the District Collector is the Appellate Authority. The petitioner has already sent a representation to the District Collector, Cuddalore on 07.06.2023 to cancel the settlement deeds. The said representation sent to the District Collector is to be transferred to the Revenue Divisional Officer concerned for the purpose of conducting an enquiry. In this regard, the District Collector is duty bound to transfer the application to the



jurisdictional Revenue Divisional Officer for the purpose of conducting enquiry.

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5. This being the factum, the District Collector, Cuddalore District, Cuddalore has been Suo Motu impleaded as the third respondent in the present writ petition, enabling the District Collector to forward the application sent by the writ petitioner dated 07.06.2022 to the jurisdictional Revenue Divisional Officer for the purpose of conducting an enquiry and for passing appropriate orders under the provisions of the Senior Citizen Act .

6. In view of the facts and circumstances, the impleaded respondent District Collector, Cuddalore District, Cuddalore is directed to forward the representation submitted by the writ petitioner dated 07.06.2023 to the jurisdictional Revenue Divisional Officer for the purpose of conducting enquiry and pass orders under the provisions of the Senior Citizen Act and the District Collector shall ensure such enquiry and order has been passed as expeditiously as possible, preferably within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner is also directed to furnish a copy of the application to the jurisdictional Revenue Divisional officer immediately.



7. With these directions, the writ petition stands disposed of. No costs.

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Index : Yes/No

Speaking order/Non Speaking Order

Neutral Citation : Yes/No

To

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2.The District Collector,
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S.M.SUBRAMANIAM, J.

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