



WEB COPY



W.P.No.23158 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2023

CORAM: JUSTICE N.SESHASAYEE

WP.No.23158 of 2023

K.Dhanabakkiam @ Bakkiam

...Petitioner

-Vs-

1.The District Collector,
Erode, Erode District.

2.The Revenue Divisional Officer,
Erode, Erode District.

3.Balakrishnan
4.Deivasigamani
5.Poongodhai
6.Thavamani

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of the 2nd respondent in Pro.Na.Ka.No..153/2021/A4 dated 09.09.2022, to quash the same and to issue consequential directing to the 2nd respondent to declare the Will dated 28.10.2008 (Doc.No.60/2008 SRO, Sivagiri) executed by Karuppana Gounder Son of Ammasai Gounder as void under Parents & Senior Citizen Act and direct the 2nd respondent to direct the 3rd respondent to hand over possession of the share of the landed properties in Survey Nos.404/3,



W.P.No.23158 of 2023

409/6B, 408/16, 408/19, 408/2, 409/17 in Vadagapatti Village, Erode Taluk and District to the petitioner forthwith.

For Petitioner : Mr.G.Punniakoti
For R1 & R2 : Ms.N.Senthil Selvi,
Government Advocate

ORDER

The petitioner herein is the mother of the third respondent. She contends that her husband Late.Karuppana Gounder owned few properties and she along with her children, which includes the third respondent herein, were enjoying the same. While so, the TANGEDCO put up a HT tower in the property and at the point of deciding on the person to whom the compensation needs to be paid, the third respondent came up with a Will alleged to have been executed by Late.Karuppana Gounder.

2.According to the petitioner, the said Will is fabricated and therefore, she approached the RDO/second respondent with a complaint under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and the second respondent held an enquiry and came to the conclusion that the matter has to be resolved only by a civil Court.



W.P.No.23158 of 2023

WEB COPY

3.Heard, Ms.N.Senthil Selvi, learned Government Advocate for the respondents 1 and 2.

4.This Court is satisfied that the document in question and the nature of dispute raised does not fall within the ambit of Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. If at all the petitioner is interested in having the alleged Will of Late.Karuppana Gounder set aside, she may have to approach the Civil Court. There is also an option for her to approach the District Registrar under Section 77 A of the Registration Act. Now, it is for her to decide.

5.So far as the present petition is concerned, this Court does not find that the approach of the second respondent is faulty.

6.The Writ Petition is accordingly dismissed. No costs.

07.08.2023

Index : Yes/No
Internet : Yes/No
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W.P.No.23158 of 2023

N.SESHASAYEE, J.,

Tsg

To

- 1.The District Collector,
Erode, Erode District.
- 2.The Revenue Divisional Officer,
Erode, Erode District.

Order made in
W.P.No.23158 of 2023

07.08.2023