



W .P.No.22150 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2023

CORAM : JUSTICE N.SESHASAYEE

W.P.No.22150 of 2023

V.Adhikesavalu

..... Petitioner

Vs

1.The District Magistrate cum
District Collector
Chennai District
Singaravelar Maaligai
Rajaji Salai, Chennai - 600 001.

2.The Revenue Divisional Officer
Chennai Central Division
Anna Nagar (West) Extension
Chennai - 600 101.

3.Hemalatha
4.A.Venkatesan

.... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent to take up the appeal petition of the petitioner in Ref.Se.Mu.Na.Ka.No.4736/A1/2021, to conduct enquiry and pass orders thereon, pursuant to the petitioner's representation dated 02.07.2023 made by the petitioner.



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For Petitioner : Mr.J.Satheesh

For Respondents : Mr.M.Bindran
Additional Government Pleader
for R1 & R2

Mr.Kalaiselvan for R3 & R4

ORDER

The petitioner herein is a senior citizen, and he had filed a petition under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, against the respondents 3 and 4, before the Revenue Divisional Officer, the second respondent, who refused to take cognizance of the dispute and passed an order essentially because there was a civil litigation pending in O.S.No.9155 of 2019 filed by the respondents 3 and 4 herein against the daughters of the petitioner.

2. The background of the case may be stated briefly :

- (a) The petitioner had executed a settlement deed in favour of his son, the fourth respondent, and it appears when the petitioner laid a complaint before the second respondent under the Maintenance and Welfare of Parents and Senior Citizens Act, the fourth respondent is stated to have settled the property in favour of his wife, the third respondent



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herein. And the respondents 3 and 4, on their part, have filed O.S.No.9155 of 2019 before the City Civil Court, Chennai, against the daughters of the petitioner namely Girija and Sharmila.

(b) In view of the pending suit, the RDO did not lay his hands on the complaint. Aggrieved by the same, the petitioner has approached the District Collector, the first respondent under Section 16 of the Act, and the District Collector too followed the suit vide his proceedings dated 27.04.2022.

(c) The petitioner thereafter filed a representation to the first respondent on 02.07.2023, to take up his appeal. Since, no response is forthcoming, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner submitted that the suit is dismissed for default on 19.06.2023. He also submitted that inasmuch as there is no litigation pending, the petitioner's complaint may be heard again.

4. Heard the learned counsel for the respondents 3 and 4. Since the second respondent has not taken any decision on the complaint essentially because of the pendency in O.S.No.9155 of 2019, the second respondent can now take a



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decision on the same, as the suit is no more on the file of XXII Assistant City Civil Court, Chennai.

5. This Court therefore sets aside the order of the first respondent dated 27.04.2022, and remands the matter back to the second respondent to enable the second respondent, the Revenue Divisional Officer, to take appropriate decision in the matter. The second respondent is free to accord further right of hearing to both sides and is required to dispose of the matter within a period of eight weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of accordingly. No costs.

Index : Yes / No
Speaking order / Non-speaking order
ds

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N.SESHASAYEE.J.,

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