



WEB COPY



W.P. No. 25895 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 25895 of 2023

D.Balakrishnan

... Petitioner

-VS-

1. The District Collector,
Office of the District Collectorate,
4th Floor, Singaravelan Maligai,
No. 62, Rajaji Saalai, Beach Road,
George Town,
Chennai – 600001.

2. The Protection Officer/Welfare Officer,
Office of the District Collectorate
4th Floor, Singaravelan Maligai,
No. 62, Rajaji Saalai, Beach Road,
George Town,
Chennai – 600001.

3. Thillaikarasi

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First Respondent to cancel the Settlement Deed dated 15.03.1995 registered as Document No. 935 of 1995 on the file of Sub-Registrar of Mylapore, which is executed by the Petitioner and the Second Respondent to give protection under senior citizenship act to the Petitioner and consider the Petitioner's representation dated 21.03.2023 and 23.03.2023 on merits and in accordance with law.



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For Petitioner : Mrs. Devi.N
For Respondents : Mr. U.Baranidharan,
Additional Government Pleader
(for R1 & R2)
Not Ready in Notice (for R3)

ORDER

Heard Mrs. Devi.N, Learned Counsel for the Petitioner and Mr. U.Baranidharan, Learned Additional Government Pleader appearing for the First and Second Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. It is the case of the Petitioner is that he had executed the settlement deed dated 15.03.1995 registered as Document No. 935 of 1995 in the office of the Sub-Registrar of Mylapore in favour of his son, viz., B.Venkatesh who subsequently died on June 2020, has sought for its cancellation by representations dated 23.03.2023 and 21.03.2023 made to the Protection Officer / Welfare Officer, the Commissioner of Police, Chennai, the Chief Secretary, Government of Tamil Nadu, the Chief Minister Special Cell and the Deputy Commissioner of Police, Chennai, but as it did not evoke any response, it has necessitated the filing of this Writ Petition.



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3. When it is pointed out that none of the authorities to whom the Petitioner had send the aforesaid representations had been made as parties to the Writ Petitions and it has not been shown that the said authorities have been conferred with any power for cancellation of that settlement deed under any law, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition reserving the rights of the Petitioner to work out his legal remedies before the proper forum in the manner recognized by law and he has made an endorsement to that effect in the Court record.

In the result, the Writ Petition is dismissed as withdrawn with the aforesaid clarifications. No costs.

09.11.2023

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Index: Yes/No

NCC : Yes/No

Note: Issue order copy by 16.02.2024.



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To

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P.D. AUDIKESAVALU, J.

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