



WP(MD)No.20073 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WP(MD)No.20073 of 2023

M.Dharmambal

: Petitioner

Vs.

1.The Revenue Divisional Officer,
RDO Office,
Tanjore,
Tanjore District.

2.Madhiyalagan

3.Kamaraj

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the first respondent to dispose of the petitioner's representation dated 25.10.2022 under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, on the file of the first respondent within a stipulated time limit.

For Petitioner : Mr.R.Sundar

For Respondents : Mrs.D.Farjana Ghoushia,
Special Government Pleader for R.1



WP(MD)No.20073 of 2023

ORDER

WEB COPY

The petitioner before this Court is an Octogenarian. She has executed a gift deed in respect of her property to her son. Alleging that her son is not taking care of her, the petitioner has made an application on 18.11.2019 before the first respondent / Revenue Divisional Officer under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, to cancel the gift deed. Though the application was made as early as in the year 2019, it was not decided and therefore, the petitioner has made a representation before the first respondent on 25.10.2022. Even thereafter, the petitioner's application was not considered and therefore, the petitioner has filed this writ petition for a mandamus directing the first respondent to dispose of her representation dated 25.10.2022.

2. Whenever a representation is made to a authority to redress the grievance, there is a duty cast upon the authority to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. Here the application for cancellation of deed was filed in the year 2019 and a subsequent representation / reminder is also pending since October, 2022. Even then, no orders came to be passed.



WP(MD)No.20073 of 2023

WEB COPY

3. Therefore, this writ petition is allowed with a direction to the first respondent to decide the application filed by the petitioner on 18.11.2019, on its own merits and in accordance with law and pass appropriate orders, after affording due opportunity of hearing to the parties concerned, as expeditiously as possible, preferably within a period of six weeks from the date of receipt of a copy of this order. No costs.

Internet : Yes
Index : Yes / No
NCC : Yes / No
gk

30.08.2023

To

The Revenue Divisional Officer,
RDO Office,
Tanjore,
Tanjore District.



WEB COPY



WP(MD)No.20073 of 2023

B.PUGALENDHI, J.

gk

WP(MD)No.20073 of 2023

30.08.2023