



W.P.(MD)No.27945 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 10.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.27945 of 2022

and

W.M.P(MD).No.22033 of 2022

1.C.Rajamony
2.R.Selvasigamani

... Petitioners

Vs.

1.The Revenue Divisional Officer,
Nagercoil Division,
Kanyakumari District,
Collectorate Complex,
Nagercoil.

2.R.Elanchezhian
3.G.Rosy

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the concerned records relating to the order No.%K.(M5)/3236/2022 dated 14.11.2022 passed by the first respondent and quash the same consequently direct the first respondent to take up the complaint dated 20.09.2022 submitted by the petitioners on file and pass orders on merits and in accordance with the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 within the prescribed time limit that may be fixed by this Court.



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For Petitioners : Mr.M.Gnanasekar
For Respondents : Mr.B.Saravanan (for R1)
Additional Government Pleader
for R2 & R3 -Notice dispensed with

ORDER

Heard the learned counsel appearing for the writ petitioners and the learned Additional Government Pleader appearing for the first respondent. The private notice issued to the third respondent has been served, while the other notices have been returned un-served. The petitioners' counsel would assert that he spoke to the second respondent, who is a practising lawyer and that the second respondent is aware of the listing of the case before this Court. In any event, in view of the nature of order to be passed, service of notice on the second and third respondents is dispensed with.

2. The petitioners are none other than the parents of the second respondent. The third respondent is their daughter-in-law. The first respondent had executed the petition mentioned settlement deed in favour of the second respondent. Seeking its cancellation, the petitioners invoked the jurisdiction of the Maintenance Tribunal. By the impugned



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communication dated 14.11.2022, the first respondent had informed the petitioners that since the first petitioner is residing at Chennai, he can move the jurisdictional Tribunal at Chennai.

3. If according to the first respondent, the jurisdictional Tribunal is at Chennai, the first respondent himself could have forwarded the file to the jurisdictional Tribunal to enable the jurisdictional Tribunal, Chennai, to take further action in this regard on merits and in accordance with law. Even while not interfering with the impugned communication, I direct the first respondent to transfer the relevant papers to the Revenue Divisional Officer, Chennai for further action to be taken at his end.

4. The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

10.01.2023

NCC : Yes / No
Index : Yes / No
Rmk



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G.R.SWAMINATHAN,J.

Rmk

To

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