



WEB COPY



W.P. No. 982 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

CORAM

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

W.P. No. 982 of 2024

R.Manian

... Petitioner

-VS-

1. The District Collector,
Coimbatore District,
Coimbatore.

2. The Sub-divisional Executive Magistrate & Sub Collector,
Pollachi,
Coimbatore District.

3. Kuppathaal

4. Eswari

5. Thaila

... 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 dispose of the Appeal Petition No. 24091/2020 is pending before the Collector, Coimbatore, District under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, within a stipulated period of time.

For Petitioner : Ms. E.Thamishannai

For Respondents : Mr. B.Vijay,
Additional Government Pleader
(for R1 & R2)



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ORDER

Heard Ms. E.Thamishannai, Learned Counsel for the Petitioner and Mr. B.Vijay, Learned Additional Government Pleader, who takes notice for the First and Second Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The father of the Petitioner, viz., Rathinasamy, who is a Senior Citizen, had executed a settlement-deed dated 02.07.2010 registered as Document No. 2614 of 2010 in the office of the Sub-Registrar, Anaimalai transferring his properties in favour of the son of the Petitioner, viz., Naveenkumar (minor). The Second Respondent by order in Aa.Ma. No. 826/2020 dated 12.11.2020 in an application made by the said Rathinasamy under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as 'the Act' for short) had declared that settlement-deed to be void. The Petitioner has preferred an appeal against that order before the First Respondent under Section 16 of the Act, and seeks expeditious disposal of the same in this Writ Petition.



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3. As the Division Bench of this Court in the decision in ***K.Raju -vs- Union***

of India [(2021) 2 CTC 129] has held that except senior citizens, none else would be entitled to prefer appeal under Section 16 of the Act, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition reserving the right of the Petitioner to work out his remedies to challenge the order passed by the Second Respondent before the proper forum in the manner recognized by law and he has made an endorsement to that effect in the court record.

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

18.01.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 22.03.2024.

vjt



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To

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Coimbatore District,
Coimbatore.
2. The Sub-divisional Executive Magistrate & Sub Collector,
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P.D. AUDIKESAVALU, J.

vjt

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