



W.P. No. 3269 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2024

CORAM

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

W.P. No. 3269 of 2024

R.Selvam

... Petitioner

-VS-

1. The District Collector,
Chennai District.
2. The Revenue Divisional Officer,
Central Chennai Division,
Chennai.
3. The Sub Registrar,
Ambattur Registration Office,
Ambattur.
4. S.Sumathi
5. S.Rashivan
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 consider and pass order on the representation submitted by the Petitioner before him on 11.01.2024.

For Petitioner : Ms. Mary Mahila D.C.

For Respondents : Mr. S.J.Mohamed Sathik,
Government Advocate (for R1 to R3)



W.P. No. 3269 of 2024

WEB COPY

ORDER

Heard Ms. Mary Mahila D.C., Learned Counsel for the Petitioner and Mr. S.J.Mohamed Sathik, Learned Government Advocate, who takes notice for the First to Third Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. Having regard to the nature of order proposed to be passed in the Writ Petition, which would not cause any prejudice to the Fourth and Fifth Respondents, notice to them is dispensed with.

3. The Petitioner, who is a Senior Citizen, he had executed a settlement-deed dated 18.09.2019 registered as Document No. 13748 of 2019 in the office of the Sub-Registrar, Ambattur transferring his property in favour of the Third and Fourth Respondents, who are his children. The grievance ventilated by the Petitioner is that he had made an application dated 11.01.2024 invoking Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as 'the Act' for short) for treating that settlement-deed as void before the First Respondent, but as it did not evoke any response, it has necessitated the filing of this Writ Petition.



W.P. No. 3269 of 2024

WEB COPY

3. It has been brought to notice that the District Social Welfare Officer, Chennai by Proceedings No. Rc/196/2024DSWO dated 31.01.2024 has requested the Second Respondent to examine the matter.

4. Having regard to the limited nature of relief sought, this Court without expressing any view on the merits of the controversy involved, passes the following order:-

- (i) the Second Respondent shall immediately examine the application dated 11.01.2024 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 10 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard;



W.P. No. 3269 of 2024

(iv) a reasoned order shall be passed dealing with each of the contentions

WEB COPY raised on merits and in accordance with law and the decision taken

communicated under written acknowledgment; and

(v) the report of such compliance shall be filed before the Registrar (Judicial) of the Court.

In the result, the Writ Petition is disposed on the aforesaid terms. No costs.

16.02.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 22.05.2024.

vjt

To

1. The District Collector,
Chennai District.
2. The Revenue Divisional Officer,
Central Chennai Division,
Chennai.
3. The Sub Registrar,
Ambattur Registration Office,
Ambattur.



W.P. No. 3269 of 2024

Copy to

1. S.Sumathi,
W/o. Selvam,
No. 88, 4th Street,
Ezhil Nagar,
Sorraket,
Chennai – 600 066.
2. S.Rashivan,
S/o. Selvam,
No. 88, 4th Street,
Ezhil Nagar,
Sorraket,
Chennai – 600 066.
3. The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.



WEB COPY



W.P. No. 3269 of 2024

P.D. AUDIKESAVALU, J.

vjt

W.P. No. 3269 of 2024

16.02.2024