



WEB COPY



W.P. No. 7836 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

CORAM

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

W.P. No. 7836 of 2024

and

W.M.P. No. 8785 and 8786 of 2024

Rukmani

... Petitioner

-VS-

1. The District Collector
Collectorate
GST Road
Chengalpattu – 603001.

2. The Sub Divisional Magistrate and
The Revenue Divisional Officer
Taluk Office Complex
Opp. Meps, GST Road
Kadaperi, West Tambaram
Chennai – 600045.

3. The Sub Registrar
Selaiyur Sub Registration Office
Integrated Tambaram and Selaiyur Sub Registrar Office
Maruthi Nagar Main Road
Anjugam Ammaiyar Park Opposite
Rajakilpakkam, Chennai – 73.

4. Govindasamy

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, to call for the



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records of the impugned order dated 10.08.2023 passed by the First Respondent in Na.Ka.No. 7716/2023/M.1 and order dated 31.05.2023 passed by the Second Respondent in Na.Ka. No. 83/2023/A and quash the same as illegal, arbitrary and non-est in law and consequently direct the Third Respondent to make necessary mutation in the encumbrance certificate restoring both settlement deeds dated 19.07.2021 registered as Doc. Nos. 8360 of 2021 and Doc. No. 8361 of 2021 on the file of SRO, Selaiyur within the time stipulated by this Court.

For Petitioner : Mr. S.Mohamed Uduman

For Respondents : Mr. S.J.Mohamed Sathik, GA (RR1 & 2)
Mr. U.Baranidaran, AGP (R3)

ORDER

Heard Mr. S.Mohamed Uduman, Learned Counsel for the Petitioner, Mr. S.J.Mohamed Sathik, Learned Government Advocate who takes notice for the First and Second Respondents and Mr. U.Baranidaran, Learned Additional Government Pleader who takes notice for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The First Respondent by Order in Na.Ka.No. 7716/2023/M.1 dated 10.08.2023 had rejected the appeal preferred by the Petitioner under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007



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(hereinafter referred to as 'the Act' for short) against the Order in Na.Ka. No.

83/2023/A dated 31.05.2023 passed by the Second Respondent cancelling the Settlement-Deed dated 19.07.2021 executed by the wife of the Fourth Respondent in favour of the Petitioner (registered as Document No. 8359 of 2021 in the office of the Sub-Registrar, Selaiyur), in the exercise of powers under Section 23 of the Act, which is challenged in this Writ Petition.

3. The Division Bench of this Court in the authoritative pronouncement in ***K.Raju -vs- Union of India*** [(2021) 2 CTC 129] has ruled that the plain language of Section 16 of the Act is clear that only a 'Senior Citizen' or 'Parent' could invoke the right of appeal under that legal provision, and none else could avail such remedy.

4. In view of the same, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition reserving the rights of the Petitioner to challenge the Order in Na.Ka. No. 83/2023/A dated 31.05.2023 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.



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In the result, the Writ Petition is dismissed as withdrawn with the aforesaid clarifications. Consequently, the connected Miscellaneous Petitions are closed. No costs.

21.03.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 01.04.2024.

Maya

To

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P.D. AUDIKESAVALU, J.

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