



WEB COPY



WP.No.11480 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **26.04.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.11480 of 2024

G.Selvaraj

.. Petitioner

Versus

1. The District Revenue Officer,
Chengalpattu,
Chengalpattu District.

2. The Revenue Divisional Officer,
Tambaram Division,
Chengalpattu District.

3. S. Karunanidhi

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to conduct a fair and speedy enquiry and dispose of the representation dated 10.01.2024 made by the petitioner, pending before the 2nd respondent within a time stipulated by this court.

For Petitioner : Mr.R.Narayanan

For R1 and R2 : Mr.A.Selvandran
Special Government Pleader



WP.No.11480 of 2024

WEB COPY

ORDER

This writ petition is filed to direct the first respondent to conduct a fair and speedy enquiry and dispose of the representation dated 10.01.2024 made by the petitioner, pending before the second respondent within a time stipulated by this court.

2. Heard learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 and 2 and perused the materials available on record.

3. It is the grievance of the petitioner that he has executed a settlement deed dated 24.03.2021 registered as Document No.2985 of 2021 in the Sub Registrar's Office of Pammal in favour of his son, the third respondent herein, retaining the life interest for himself. However, the third respondent is not allowing the petitioner to enjoy the benefits of the property. In this regard, he has given a representation dated 10.01.2024 to the first respondent under the Maintenance and Welfare of the Parents and Senior Citizens Act, 2007, (hereinafter referred to as, 'the Act') to cancel the said settlement, which was later transferred to the second respondent as he is the competent authority. However, the same has not been considered by the second respondent. Hence,



WP.No.11480 of 2024

the present Writ Petition.

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4. On a careful perusal of the documents itself, it is seen that there is no power if reserved for revocation of the document. Further, the settlement is not executed with the condition that basic amenities and basic physical needs of the transferor would be taken care of. When the settlement is not with any conditions as enumerated under Section 23 of the Act, the petitioner has no right to cancel the said settlement invoking the Act. If at all the petitioner is aggrieved over the execution of the settlement deed and intends to cancel the document, the proper remedy lies only before the Civil Court and not before the second respondent. In such view of the matter, mere direction to the second respondent to dispose of the representation of the petitioner will not serve any purpose. The petitioner is advised to file an appropriate suit as against the third respondent before the competent Civil Court.

5. In the result, this writ petition is dismissed. No costs.

26.04.2024

gsa

Index : Yes/No

Internet : Yes/No



WEB COPY



WP.No.11480 of 2024

N. SATHISH KUMAR, J.

gsa

To,

1. The District Revenue Officer,
Chengalpattu,
Chengalpattu District.
2. The Revenue Divisional Officer,
Tambaram Division,
Chengalpattu District.

W.P.No.11480 of 2024

26.04.2024