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W.P.No.12487 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.12487 of 2024

and

W.M.P.No.13639 of 2024

M.S.Mani

...Petitioner

Vs

1. The Maintenance Tribunal – cum-
Sub-Divisional Magistrate &
Revenue Divisional Officer, Guindy
Chennai 600 032

2. M. Ilavalagan

3. M. Venkatesan

4. M. Jayasudha

5. B. Dhanalakshmi

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent herein to dispose the application filed by the writ petitioner in Application No.A3/3374-2023 filed under Section 5 and 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 within time frame and



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pass orders.

For Petitioner : Mr. J. Deepika
For Respondents : Mr.P. Gurunathan
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the first respondent herein to dispose the application filed by the writ petitioner in Application No.A3/3374-2023 filed under Section 5 and 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and pass orders.

2. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner executed his properties in the name of his sons who are second and third respondents herein on the belief that they will take care of the petitioner. But the second and third respondents failed in their duties and failed to maintain their parents. Hence, the petitioner approached the first respondent with an application for maintenance and to declare the above mentioned settlement deed as null and void under Section 5 and 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.



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Pursuant to which the first respondent called for an enquiry on 31.08.2023 and thereafter had not passed any orders in the aforesaid application. Hence this petition.

4. The learned counsel for the petitioner submitted that it would be suffice if this Court issues a direction to the first respondent to dispose the application filed by the writ petitioner in Application No.A3/3374-2023 filed under Section 5 and 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

5. The learned standing counsel appearing for the respondents submitted that they will consider the case of the petitioner and take action in the manner known to law.

6. Considering the facts and circumstances of the case and the limited relief sought for by the petitioner, this Court, without going into the merits of the case, directs the first respondent to dispose the application filed by the writ petitioner in Application No.A3/3374-2023 filed under Section 5 and 23 of the Maintenance and Welfare of Parents



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and Senior Citizens Act, 2007 and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction, this Writ Petition stands disposed of. No costs. Consequently the connected miscellaneous petition is closed.

30.04.2024

Index: Yes/No
Speaking order/Non-speaking order
smn

To
. The Maintenance Tribunal – cum-
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V.BHAVANI SUBBAROYAN,J.



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