



WEB COPY



W.P.No. 17298 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.17298 of 2024

Periyammal

.. Petitioner

Versus

1. The District Revenue Officer
Kallakurichi District.

2. The Revenue Divisional Officer
Kallakurichi District.

3. The Social Welfare Department.
Kallakurichi, Kallakurichi District.

4. Premkumar

...Respondents

Prayer: This petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus to dispose the Appeal in application pending before the second respondent Appeal No.56/2024 as early as possible and pass orders.

For Petitioner : Mr.T. Balachandran

For Respondents 1 and 2 : Mr.P. Gurunathan,
Additional Government Pleader

For Respondent-3 : Mr.M. Venkateswaran
Special Government Pleader



W.P.No. 17298 of 2024

ORDER

This petition is filed to seeking a direction directing the second respondent to dispose the Appeal in application pending before the second respondent Appeal No.56/2024 as early as possible and pass orders.

2. By consent of both the parties, this writ petition is taken up for disposal at the admission stage itself.

3.The facts of the case are that the petitioner has settled his property to his grand son who is the fourth respondent herein vide Document bearing No.1626 of 2022 dated 09.06.2022. After obtaining the properties the petitioner was not taken care by the fourth respondent. When this being the case, the fourth respondent with an intention to grab the petitioner's property had executed the settlement deed in favour of his wife vide Doc.No.1723 of 2022 on 17.06.2022 i.e within a period of 10 days from the date i.e 09.06.2022, in which the petitioner has executed the settlement deed. Due to which the petitioner made a complaint before the first and second respondents under the Maintenance and



W.P.No. 17298 of 2024

Welfare of Parents and Senior Citizens Act, 2007 to cancel the settlement deed executed by her. Subsequently, the second respondent passed an order on 28.03.2023 in MMA6/3732/2022. Challenging the same the petitioner filed W.P.No.21716 of 2023 and this Court vide order dated 24.07.2023 disposed of the same wherein, it was stated since the appeal remedy is available under Section 16 of the said act, the petitioner shall approach the Appellate authority. Hence, the petitioner filed an Appeal before the first respondent in Appeal No.56/2023 challenging the order passed by the second respondent in MMA6/3732/2022 on 28.03.2023. The grievance of the petitioner is that there is no progress in the said appeal. Hence, this petition.

4. The learned counsel appearing for the petitioner submitted that the petitioner is a senior citizen and he has been made to run from pillar to post to establish his case. He further submitted that the petitioner is suffering due to the age-related ailments. While so, the fourth respondent herein who is grand son of the petitioner and the beneficiary of the properties settled by the petitioner, is not taking care of the petitioner. Hence, prays to allow this petition.



W.P.No. 17298 of 2024

WEB COPY

5. The learned Additional Government Pleader appearing for the first respondent submitted that they will prioritize the case of the petitioner as the petitioner is a senior citizens and will take action in the manner known to law as early as possible

6. Considering the facts and circumstances of the case, this Court directs the first respondent to dispose the appeal in Appeal No.56/2024 after conducting an enquiry by affording reasonable opportunity of hearing to the petitioner as well as the concerned parties and pass orders within a period of twelve 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.

03.07.2024

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
smn



WEB COPY



W.P.No. 17298 of 2024

To

1. The District Social Welfare Officer
Office of District Collectorate
C Block, 4th Floor,
Ranipet District.
2. The Revenue Divisional Officer
Ranipet District, Ranipet.
3. The sub Registrar
Arcot SRO, Ranipet District.



WEB COPY



W.P.No. 17298 of 2024

V.BHAVANI SUBBAROYAN, J.

smn

W.P.No.17298of 2024

03.07.2024