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W.P.No.21323 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.21323 of 2024

Dasthagir

...Petitioner

Vs

1. The District Collector,
Kakkakurichi District.

2. The Executive Magistrate cum
Revenue Divisional Officer,
Kallakurichi, Kallakurichi District.

3.Mrs. Kalimunnisa

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first Respondent to take up the appeal dated 28.06.2023 filed by the petitioner against the order in proceedings No.Mu.Mu.A6/4033/2022 dated 18.01.2023 of the second respondent(which was received only on 14.06.2023 within a specified period that may be stipulated by this Hon'ble Court and pass orders.

For Petitioner

: Mr.T. Ananthasekar

For Respondents

: Mr.A.M. Ayyadurai

Government Advocate



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ORDER

This Writ Petition has been filed to direct the first Respondent to take up the appeal dated 28.06.2023 filed by the petitioner against the order in proceedings No.Mu.Mu.A6/4033/2022 dated 18.01.2023 of the second respondent(which was received only on 14.06.2023) within a specified period that may be stipulated by this Hon'ble Court and pass orders.

2. Mr.A.M. Ayyadurai, Government Advocate takes notice for the Respondents. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3. Since no adverse orders has been passed against the third respondent, notice to third respondent dispensed with.

4. The case of the petitioner is that his mother/3rd respondent had settled some properties to the petitioner vide Document Nos.1816 of 2020 and 805 of 2021 dated 08.10.2020 and 25.03.2021 respectively.



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After obtaining the properties the petitioner is taking care of the mother.

When this being a case the third respondent has lodged a complaint before the second respondent under The Maintenance and Welfare of Parents and Senior citizen Act, 2007 and the second respondent also cancelled the settlement deeds executed by the third respondent in Mu.Mu.a6/4033/2022 on 18.01.2023. Aggrieved by the said order the petitioner has preferred an appeal on 28.06.2023 before the first respondent and the same is pending till date. Hence this petition.

5. The learned counsel appearing for the petitioner submitted that he is the third son to his mother/the third respondent. He further submitted at the instigation of the other two sons who are the brothers of the petitioner, the third respondent has lodged the complaint. It is also stated that there is no conditions in the said settlement deeds and the same is irrevocable. Hence, the second respondent has passed the order mechanically without verifying the documents. Hence, prays to allow this petition.



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6. The learned Government Advocate appearing for the official respondents submitted that they will consider the case of the petitioner and take action in the manner known to law.

7. Considering the facts and circumstances of the case, this Court directs the first respondent to dispose the appeal filed by the petitioner on 28.06.2023 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 sixteen weeks from the date of receipt of a copy of this Order.

8. With the aforesaid direction, this Writ Petition stands disposed of. No costs.

31.07.2024

Index: Yes/No

Speaking order/Non-speaking order
smn

To

1. The District Collector,
Kakkakurichi District.

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V.BHAVANI SUBBAROYAN,J.

smn

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