



W.P.No. 22291 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2024

CORAM:

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

W.P.No.22291 of 2024

and

W.M.P.No.24278 of 2024

P. Selvakumar

.. Petitioner

Versus

1. The District Collector,
O/o District Collector,
Salem District.

2. The Revenue Divisional Officer,
Sankari,Salem District.

3. The Tahsildar,
Sankari,
Salem District.

4. Pappa

...Respondents

Prayer: This petition is filed under Article 226 of the Constitution of India to issue a Writ of Prohibition prohibiting the second respondent from in any way proceeding with the hearing of adjudication of the complaint dated 01.07.2024 given by the 4th respondent, registered as File



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Na.Ka.Ka.No.1952/2024/C and culminating in notices dated 06.07.2024

by the second respondent and pass suitable orders.

For Petitioner : Mr.A. Saravanan

For Respondents 1 to 3 : Mr. P. Gurunathan
Additional Government Pleader

ORDER

This petition is filed to issue a a Writ of Prohibition prohibiting the second respondent from in any way proceeding with the hearing of adjudication of the complaint dated 01.07.2024 give by the 4th respondent, registered as File Na.Ka.Ka.No.1952/2024/C and culminating in notices dated 06.07.2024 by the second respondent and pass suitable orders.

2. Mr.P. Gurunathan Special Government Pleader 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 fifth



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respondent notice to fourth respondent dispensed with.

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4. The case of the petitioner is that the petitioner inherited the subject property from his ancestors by way of settlement deed in Document No.1447 of 2019 dated 18.03.2019 on the file of Magudanchavadi, S.R.O. The sum and substance of the case is that the 4th respondent who is the grand mother of the petitioner has given a complaint under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 to cancel the said settlement deed. The grievance of the petitioner is that based on the complaint given by the 4th respondent the second respondent has issued notice to the petitioner in Na.Ka.No.1952/2024/C dated 06.07.2024. Aggrieved over the same the petitioner has given a representation to the third respondent on 15.05.2024 and the same was not considered till date. Hence, this petition.

5. The learned counsel appearing for the petitioner submitted that



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the 4th respondent has no right over the subject property. When this being the case, the second respondent should not entertain an application for cancellation of the said document. Hence, prays to allow this petition.

6. The learned Special Government Pleader appearing for the first and second respondents submitted that they have received the application and only ordered for an enquiry and till now no orders has been passed. He further submitted that before passing any orders the petitioner has filed this petition.

7. Heard both sides and perused the materials available on record.

8. Considering the facts and circumstances of the case it is made clear that no action was taken by the respondents against the petitioner till date and only enquiry is going on against the petitioner. Hence, the petitioner is directed to co-operate with the enquiry.

9. Hence, this Court is not inclined to accept the submissions made by the learned counsel for the petitioners at this stage. Hence, this petition



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deserves to be dismissed. Accordingly, this petition is dismissed. No order as to costs. Consequently, the connected miscellaneous petition is closed.

02.08.2024

Speaking order : Yes/No

Neutral citation : Yes/No

Index : Yes/No

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To

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3. The Tahsildar,
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V.BHAVANI SUBBAROYAN, J.



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