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W.P.No.26079 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K. ILANTHIRAIYAN

**W.P.No.26079 of 2022 &
WMP.No.25153 of 2022**

A. Abdul Qadir

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Revenue Divisional Office,
Tiruppur.
2. Ramija Bibi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified to call for the records of the 1st respondent made in Na.Ka.No.2203/2022/E3, dated 01.07.2022 and quash the same.

For Petitioner : Mr. C. Ramaraj

For Respondents : Mr. P.Gurunathan, AGP – R1
Mr.K.Sudhakar for R2

ORDER



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This Writ Petition is filed by the petitioner challenging the order passed by the 1st respondent made in Na.Ka.No.2203/2022/E3, dated 01.07.2022 directing the petitioner to return the original parent documents of the properties owned by the 2nd respondent family.

2. The petitioner is the son of the 2nd petitioner. The 2nd respondent, who is the mother of the petitioner, lodged a complaint against the petitioner under the Maintenance of Welfare of Parents and Senior Citizens Act, 2007 before the 1st respondent alleging that the 2nd respondent had purchased two properties and the other property stands in the name of her husband. However, the property purchased by the 2nd respondent and its original documents were in possession of the petitioner herein. The 2nd respondent was not maintained by the petitioner and she has been under the maintenance of her 4th son. Therefore, she lodged a complaint before the 1st respondent to return the original documents of the properties standing in her name from the petitioner. The 1st respondent, vide his impugned proceedings, directed the petitioner to hand over all the documents to the 2nd



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respondent. Aggrieved by the same, he preferred the present writ petition.

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3. The learned counsel for the petitioner would submit that the impugned order was passed without granting any opportunity of personal hearing to the petitioner. Therefore, it is clear violation under the principles of natural justice. That apart, the petitioner filed a suit for partition in O.S.No.227 of 2012 before the Additional District Judge, Bhavani and it is pending. Therefore, such a direction cannot be implemented. Thus, he prayed for quashing the impugned order passed by the 1st respondent.

4. Heard the learned counsel appearing for the petitioner, the learned Addl. Govt. Pleader appearing for the respondents and perused the materials available on record.

5. Perusal of records would reveal that admittedly, the 2nd respondent purchased the subject properties and the original documents in respect of



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the said properties are now under possession of the petitioner. On receipt of complaint from the 2nd respondent herein under the Maintenance of Welfare of Parents and Senior Citizens Act, 2007, the 1st respondent initiated enquiry proceedings, during the course of which, the petitioner's statement was duly recorded by the 1st respondent which shows that an opportunity of personal hearing was given to the petitioner before passing the impugned order. Hence, there is no question of violation of principles of natural justice. Further, for non implementation of the impugned order passed by the 1st respondent, he sent a communication dated 29.08.2022 to the Assistant Commissioner of Police, Tiruppur District to implement the order passed by him in accordance with law.

6. In view of the above, this Court finds no infirmity or illegality in the order passed by the 1st respondent. Accordingly, this writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

20.09.2024



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msr

Index: Yes/No

Internet: Yes/No

To

The Revenue Divisional Officer,
Revenue Divisional Office,
Tiruppur.

G.K. ILANTHIRAIYAN, J.

msr



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