



WEB COPY



W.P.No.27823 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.27823 of 2024

Vinod Patra

... Petitioner

-Vs-

1. The Presiding Officer-cum-
Sub Divisional Magistrate- North
Tribunal for Maintenance and Welfare of
Parents and Senior Citizens.
Puducherry.

2. Anjana Sharma

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the first respondent made in MWPS. No.14/2020 dated 15.12.2021 quash the same and consequently direct the first respondent herein to cancel the Settlement Deed dated 19.02.2015 vide Doc. No.778/2015 on the file of the Sub-Registrar, Office, Oulgaret, Puducherry.

For Petitioner	: Mr.Kaithamalai Kumaran for Mr.R.P.Ruban Chackravathy
For R1	: Mr.V.Vasanthakumar Additional Government Pleader

ORDER



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WEB COPY This writ petition has been filed challenging the order passed by the first respondent dated 15.12.2021, thereby closed the complaint lodged by the petitioner, on the ground that there is no response from the second respondent. Therefore, the first respondent is not inclined to proceed further without hearing the second respondent.

2. Heard and perused the materials available on record.

3. The petitioner is the elder sister and the second respondent is the younger sister. The petitioner owned property bearing Re Survey Nos.268/1, Cadastre Nos.165, 166 and 167 and Re Survey No.268/1/A/1A/1/A/2, Cadastre Nos.165 Pt, 165 Pt, 166 Pt and 167 Pt measuring East to West 30 feet North to South 60 feet for total extend of 180 sq.ft situated at Door No.81, No.38, Saram Revenue Village, Krishna Nagar, Main Road Plot No.5, Oulgaret Municipality Limit, Village, Puducherry District.

4. The petitioner got married and had no issues. Her husband also deserted her and living separately. While being so, the petitioner had executed a settlement deed in favour of the second respondent by the settlement deed dated 19.02.2015 registered vide Document No.778 of 2015. The second respondent



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went to abroad and her whereabouts not known. Though the petitioner is residing in the settled property, she cannot deal with the property in the manner known to law. The second respondent also failed to maintain the petitioner. Therefore, the petitioner lodged a complaint under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 before the first respondent. Since the second respondent was not served with the notice, the first respondent simply closed the complaint, on the ground that there is no response from the second respondent. The first respondent ought not to have closed the complaint, on the ground that there was no response from the second respondent.

5. In view of the above, the order impugned in this writ petition cannot be sustained and is liable to be quashed. Accordingly, the impugned order passed by the first respondent made in MWPS.No.14/2020 dated 15.12.2021, is hereby quashed. The matter is remanded back to the first respondent for fresh disposal. The first respondent is directed to deal with the complaint lodged by the petitioner and dispose of the same on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition stands allowed. No costs.

25.09.2024



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Internet: Yes

Index : Yes/No

Neutral Citation: Yes/No

Speaking/Non Speaking order
mn

To

The Presiding Officer-cum-
Sub Divisional Magistrate- North
Tribunal for Maintenance and Welfare of
Parents and Senior Citizens.
Puducherry.

G.K.ILANTHIRAIYAN. J.

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