



WEB COPY



W.P. No. 29180 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 29180 of 2023

Periyanayagi Ammal

... Petitioner

-VS-

1. The District Collector,
Villupuram,
Villupuram District.

2. The Revenue Divisional Officer/Executive Magistrate,
Maintenance and Welfare of Parents & Senior Citizens Tribunal,
Villupuram,
Villupuram District.

3. The District Welfare Officer,
Villupuram,
Villupuram District.

4. Lakshmanaswamy

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for records impugned order in Na. Ka. No. 257/A2/2023 dated 13.04.2023 passed by the First Respondent and quash the same, consequently direct the First Respondent to cancel the settlement deed in Doc. No. 1442 of 2020 dated 12.03.2020.

For Petitioner : Mr. M.R.Elavarasan

For Respondents : Mr. S.Balamurugan,
Government Advocate (for R1 to R3)

Mr. T.Ananthasekar (for R4)



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ORDER

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Heard Mr. M.R.Elavarasan, Learned Counsel for the Petitioner, Mr. S.Balamurugan, Learned Government Advocate appearing for the First to Third Respondents and Mr. T.Ananthasekar, Learned Counsel for the Fourth Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, who is a Senior Citizen, had executed a settlement-deed dated 12.03.2020 registered as Document No. 1442 of 2020 in the office of the Sub-Registrar, Vannur transferring her property in favour of the Fourth Respondent, who is her brother. She had made an application invoking Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as 'the Act' for short) for treating that settlement-deed as void before the Second Respondent, who had declined to grant such relief by Order in Na. Ka. A3/3557/2020 dated 11.11.2021, and has been confirmed in appeal under Section 16 of the Act by Order in Na. Ka. No. 257/A2/2023 dated 13.04.2023 passed by the First Respondent. The said orders are challenged in this Writ Petition.



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3. During the earlier hearing on 06.12.2023, Learned Counsel for the Petitioner undertook to implead the persons, who had purchased the said property from the Fourth Respondent by registered documents mentioned in para 7 of the affidavit filed in support of this Writ Petition, but expresses inability to take immediate steps in that regard. There does not appear to be any useful purpose being served in waiting indefinitely for the same. In such circumstances, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition reserving the rights of the Petitioner to file fresh Writ Petition impleading all necessary parties with relevant documents and he has made an endorsement to that effect in the court record.

In fine, the Writ Petition is dismissed as withdrawn with the aforesaid clarifications. No costs.

22.01.2024

Index: Yes/No

NCC: Yes/No

gsa

Note: (i) Issue order copy by 22.03.2024.

**(ii) Registry is directed to return the
impugned order under written**



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**acknowledgment after retaining a
copy of the same for record.**

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To

1. The District Collector,
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Villupuram District.
2. The Revenue Divisional Officer/Executive Magistrate,
Maintenance and Welfare of Parents & Senior Citizens Tribunal,
Villupuram,
Villupuram District.
3. The District Welfare Officer,
Villupuram,
Villupuram District.



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P.D. AUDIKESAVALU, J.

gsa

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