



WEB COPY



W.P. No.31419 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2024

CORAM:

THE HON'BLE MR. JUSTICE G.K. ILANTHIRAIYAN

W.P. No.31419 of 2022 and
W.M.P.No.30852 of 2022

R.Venkatesan

... Petitioner

vs.

1. The District Collector,
Office of the District Collector,
Coimbatore-641 018.

2. The Revenue Divisional Officer,
Redressal Tribunal for Maintenance and
Welfare of Parents and Senior Citizens,
Coimbatore South,
Coimbatore.

3. The District Social Welfare Officer,
District Social Welfare Office,
Collectorate Building,
Coimbatore.

4. V.Dhanabalan

... Respondents

Prayer : Writ Petition is filed under Article 226 of Constitution of India to issue a writ of Certiorari calling for the entire records pertaining to the order of the 2nd respondent vide in Pa.Mu.2642/2020/A1 dated 17.11.2020 and consequential order of the 1st respondent vide in Na.Ka.No.23249/2020/U2 dated 28.04.2022 quash the same.



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For Petitioner : Mr.S.Saravanan

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For Respondents 1 to 3 : Mr.S.J.Mohammed Sathik
Government Advocate

For Respondent 4 : Mr.K.Vasanthanayagan

ORDER

This writ petition has been filed challenging the order passed by the 2nd respondent dated 17.11.2020 thereby cancelled the settlement deed executed in favour of the petitioner by the deceased grandmother and consequential order passed by the first respondent dated 28.04.2022 thereby confirmed the order passed by the 2nd respondent.

2. The petitioner is the grandson of Ponnammal. The said Ponnammal had two sons i.e, the petitioner's father and the 4th respondent. The petitioner's grandmother owned land comprising in S.No.623/2 admeasuring 2.81 Acres situated at Irugur Village, Coimbatore District. Thereafter, out of love and affection she had executed a registered settlement deed dated 29.12.2017 vide document No.10683/2017 in respect of the subject property in favour of the petitioner. However, the petitioner is being a grandson failed to maintain



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his grandmother. Therefore, she lodged a complaint before the 2nd respondent under Section 23 of Maintenance and Welfare of parents and Senior Citizen Act, 2007. Enquiry was conducted after giving due opportunity of hearing to the petitioner as well as the respondent. The second respondent passed an order dated 17.11.2020 thereby cancelling the settlement deed executed in favour of the petitioner. Thereafter, on 18.11.2020 the petitioner's grandmother died due to illness.

2.1. Thereafter, the petitioner preferred an appeal before the first respondent. The first respondent dismissed the appeal on the ground that the petitioner's grandmother died and if there is any property dispute, the petitioner is directed to approach competent Civil Court. Though the petitioner raised certain ground that the 2nd respondent passed an order dated 17.11.2020 thereby cancelled the settlement deed executed in favour of the petitioner. The petitioner's grandmother died on 18.11.2020 and the same was informed to the 2nd respondent but the 2nd respondent has not taken into account and passed the impugned order in one day before as if the petitioner's grandmother was alive. The petitioner failed to substantiate the said contention. Further, the non-maintenance of the grandmother is now not available since she died on 18.11.2020.



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Therefore, if there is any dispute over the subject property, the petitioner can very well approach the Civil Court for appropriate relief as directed by the first respondent.

3. Hence, this Court cannot find any infirmity or illegality in the order passed by the 2nd respondent dated 17.11.2020 and consequential order passed by the first respondent dated 28.04.2022. Hence, this writ petition is devoid of merits and liable to be dismissed. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

12.06.2024

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
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G.K. ILANTHIRAIYAN, J.

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