



W.P(MD)No.20979 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.20979 of 2024

and

W.M.P.(MD)Nos.17774 & 17775 of 2024

P.Balasubramanian

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,

2.The Revenue Divisional Officer,
Devakottai, Sivagangai District.

3.K.Palaniyappan

4.P.Senthamarai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned proceedings pending on the file of the 2nd respondent in Na.Ka.Aa.No.1/1677/2024 and to quash the same as illegal.

For Petitioner : Mr.S.Sukumar

For R1 & R2 : Mr.D.Sadiq Raja,

Additional Government Pleader



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ORDER

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Challenge has been made to the summons issued by the 2nd respondent dated 10.07.2024 under the Maintenance and Welfare of Parents and Senior Citizens Act.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Mr.D.Sadiq Raja, learned Additional Government Pleader takes notice for the respondents 1 and 2. Considering the nature of order proposed to be given in this Writ Petition, notice to the respondents 3 and 4 is dispensed with.

4.It is the case of the petitioner that the petitioner's father / 3rd respondent herein executed an irrevocable settlement deed in favour of the petitioner without any condition, which was registered on 09.11.2022. Since then, the petitioner has been in possession and enjoyment of the property. However, the 4th respondent / sister of the petitioner instigated their father to evict the petitioner from the property . Therefore, the 3rd respondent has lodged a complaint under the Maintenance and Welfare of Parents and Senior Citizens



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Act. Pursuant to which, the 2nd respondent, vide proceedings dated 10.07.2024, directed the petitioner to appear and submit the document with regard to the property in question. Now, it is the grievance of the petitioner that though the petitioner has appeared before the 2nd respondent on 25.07.2024 and submitted all the relevant documents, the 2nd respondent is continuing his proceedings. Therefore, challenging the same, the petitioner has filed this Writ Petition.

5.This Court is of the view that since there is no condition mentioned in the settlement deed, as a matter of right, the document cannot be cancelled. However, with regard to the maintenance, the 2nd respondent shall enquire into the matter and pass an appropriate orders on merits and in accordance with law. Such enquiry shall be completed within a period of three months from the date of receipt of a copy of this order.

6.With the above observation, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

03.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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N.SATHISH KUMAR, J

Yuva

To

- 1.The District Collector,
Sivagangai District,
- 2.The Revenue Divisional Officer,
Devakottai, Sivagangai District.

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