



W.P.(MD)No.21295 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.09.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.21295 of 2024

P.Shantha Kumari Amma

... Petitioner

/Vs./

1.The Revenue Divisional Officer,  
Padmanabapuram,  
Kanyakumari District.

2.K.Satheesh Kumar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1<sup>st</sup> respondent to complete the enquiry and pass final order in the petition filed by the petitioner under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act 2007 dated 16.07.2024.

For Petitioner : Mr.K.Rajeshwaran

For Respondents : Mr.D.Gandhiraj (R1)

Special Government Pleader



W.P.(MD)No.21295 of 2024

WEB COPY

## **ORDER**

This writ petition has been filed for a mandamus seeking for a direction to the first respondent to pass final orders on the petitioner's application dated 16.07.2024 filed under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 seeking for cancellation of the settlement deed and for providing basic amenities to the petitioner, within a time frame to be fixed by this Court.

2. Heard Mr.K.Rajeshwaran, learned counsel appearing for the petitioner and Mr.D.Gandhiraj, learned Special Government Pleader appearing for the first respondent. Since no adverse order is going to be passed against the second respondent, notice to him is dispensed with.

3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The second respondent is the son of the petitioner. The petitioner claims that the settlement deed was executed in favour of the



W.P.(MD)No.21295 of 2024

WEB COPY

second respondent, who is her son, on 25.03.2021. According to the petitioner, she executed a settlement deed in favour of the second respondent only on the consideration that the second respondent will take care of her during her old age. However, according to the petitioner, despite executing the settlement deed, the second respondent failed to take care of her. Under those circumstances, she has filed an application on 16.07.2024 against the second respondent under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 seeking for cancellation of the settlement deed as well as for directing the second respondent to take care of the petitioner by providing her with maintenance and basic needs. The petitioner seeks for early disposal of her application filed before the first respondent as stated supra.

5. No prejudice will be caused to the first respondent, if the petitioner's application dated 16.07.2024 filed against the second respondent under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is considered on merits and in accordance with law, after affording a fair hearing to the petitioner as well as the second respondent within a time frame to be fixed by this Court.



W.P.(MD)No.21295 of 2024

WEB COPY

6. For the foregoing reasons, this Court directs the first respondent to pass final orders on the petitioner's application dated 16.07.2024 filed against the second respondent under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, within a period of six weeks from the date of receipt of a copy of this order, after affording a fair hearing to the petitioner and the second respondent.

7. With the aforesaid direction, this writ petition is disposed of.

No costs.

**06.09.2024**

Index : Yes / No  
NCC : Yes / No  
sm



W.P.(MD)No.21295 of 2024

WEB COPY

**TO:-**

- 1.The Revenue Divisional Officer,  
Padmanabapuram,  
Kanyakumari District.



WEB COPY



W.P.(MD)No.21295 of 2024

**ABDUL QUDDHOSE, J.**

Sm

Order made in  
**W.P.(MD)No.21295 of 2024**

Dated:  
**06.09.2024**