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W.P.(MD)No.22701 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2024

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.22701 of 2024

S.Manonmony

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Padmanabhapuram,
Thuckalay,
Kanyakumari District.

2.The Sub-Registrar,
Verkilambi,
Verkilambi Post,
Kanyakumari District.

3.M.Shibu John

4.Cristal Shajini

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent Revenue Divisional Officer, Thuckalay, Kanyakumari District to consider and pass orders forthwith on the petitioner's representation dated 17.05.2024 under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

For Petitioner	: Ms.P.Nivithaa Jothi for M/s.Isaac Chambers
For R1	: Mr.A.Kannan Additional Government Pleader
For R2	: Mr.M.Siddharthan Additional Government Pleader



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ORDER

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This writ petition has been filed to direct the first respondent to consider the representation of the petitioner dated 17.05.2024, filed under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

2.Mr.A.Kannan, learned Additional Government Pleader takes notice for the first respondent and Mr.M.Siddharthan, learned Additional Government Pleader takes notice for the second respondent. Considering the nature of order proposed to be passed in this writ petition, notice to the third and fourth respondents is dispensed with.

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

4.It is the case of the petitioner that he is a senior citizen. He had given a complaint before the second respondent under the provisions of Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Rules. Since the same was not considered, the petitioner has filed this writ petition.

5.As far as the cancellation of a deed invoking power under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, the law



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is well settled in the case of *Sudesh Chhikara vs. Ramti Devi and another* reported in 2022 SCC online SC 1684, wherein the Hon'ble Supreme Court has held that mere refusal to maintain the senior citizen will not be a ground for cancellation of the transfer deed in the absence of specific condition for providing maintenance to transferor.

6.However, in view of the limited scope of the present writ petition, without going into the merits of the matter, this Court directs the authorities concerned to consider the representation of the petitioner, dated 17.05.2024, on merits and in accordance with law and pass appropriate orders after hearing the petitioner and the third and fourth respondents within a period of eight weeks from the date of receipt of a copy of this order.

7.With the above direction, the Writ Petition stands disposed of. No costs.

24.09.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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W.P.(MD)No.22701 of 2021

To

1.The Revenue Divisional Officer,
Padmanabhapuram,
Thuckalay,
Kanyakumari District

2.The Sub-Registrar,
Verkilambi,
Verkilambi Post,
Kanyakumari District



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N.SATHISH KUMAR, J.

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24.09.2024