



WEB COPY



W.P.No.21310 of 2025

IN THE HIGH COURT AT JUDICATURE AT MADRAS

DATED: 17.06.2025

CORAM

THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.21310 of 2025

S. Annammal

...Petitioner

Vs.

1. The District Collector,
Chennai District Collectorate,
Chennai – 600 001.

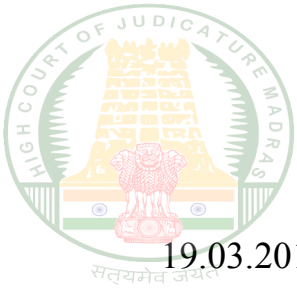
2. The Revenue Divisional Officer,
Chennai Central Division,
Chennai.

3. S.Dhayanidhi,

4. S. Vijayakumar

...Respondents

Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to take necessary action on petitioner's representation dated 23.08.2024 in revoking the settlement deed No.1204/2014 and 1205/2014, executed and registered by the petitioner on



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19.03.2014 and consequently direct the 3rd and 4th respondent, did not evict the petitioner from the 2nd floor of the said address of the petitioner till the disposal of petitioner's representation dated 23.08.2024 to the second respondent and pass orders.

For Petitioners : M/s.A.D. Banu priya
for K. Gnansundaram
For Respondents 1 and 2 : Mr.K. Suresh, Government Advocate

ORDER

Mr.K. Suresh, Government Advocate takes notice for the first and second respondents.

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

3. This writ petition is filed for a mandamus directing the second respondent to take necessary action on the petitioner's representation dated 23.08.2024, by revoking the settlement deed dated 19.03.2024, executed by the

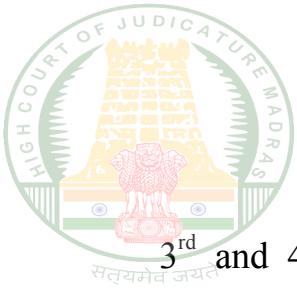


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petitioner, in favour of the third and fourth respondents, who are the petitioner's sons and consequently directing the third and fourth respondents not to evict the petitioner from the 2nd floor of the said property, till the disposal of the petitioner's representation.

4. The petitioner is a senior citizen and the owner of the property at Old Door No.23, New Door No.55, Survey No.R.S.No.1734 & C.C.No.5898 in (part) O.S.No.1874 & 1875 (part), Vepery Arunachalam Street, Chennai measuring 832 sq feet. The petitioner on 22.02.2007 executed a settlement deed in favour of her sons, the respondents 3 and 4 herein, by imposing conditions regarding his maintenance. But the respondents 3 and 4 in total violation of the conditions of the settlement deed neglected to take care of the petitioner. As the respondents 3 and 4 ill-treated the petitioner, the petitioner initially revoked the settlement deed on 18.06.2007, but later as the 3rd and 4th respondents treated the petitioner affectionately, the petitioner out of sympathy again executed a settlement deed on 19.03.2014. After the re-execution of the settlement deed the

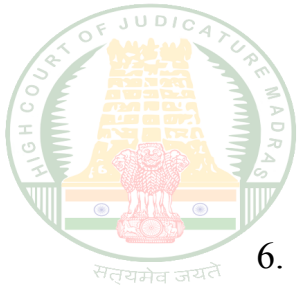


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3rd and 4th respondents again neglected the petitioner. Hence, the petitioner submitted a representation to the second respondent on 23.08.2024, under Section 23 of Maintenance and Welfare of Parents and Senior Citizens Act 2007, for cancelling the settlement deed executed by her on 19.03.2014 in favour of the respondents 3 and 4. However, the second respondent did not take any action. Hence, the petitioner was constrained to file the above writ petition for the above said relief.

5. From the materials on record, it is seen that the petitioner is a senior citizen aged about 75 years and that she submitted a representation on 23.08.2024, to the second respondent under Section 23 of Maintenance and Welfare of Parents and Senior Citizens Act 2007, seeking cancellation of the settlement deed dated 19.03.2014 executed by her in favour of the respondents 3 and 4, her sons, for neglecting to maintain her. Though the petitioner gave the representation as early as on 2024, till date no action has been initiated by the second respondent.



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6. Under the facts and circumstances of the case, considering the advanced age of the petitioner and the pendency of the petitioner's representation with the second respondent for almost a year now, I am inclined to direct the second respondent to consider the petitioner's representation dated 23.08.2024, and pass orders on merits and in accordance with law, within a period of twelve weeks, from the date of receipt of a copy of this order. Liberty is given to the petitioner to seek interim protection from the second respondent against eviction, pending disposal of her representation. The second respondent is directed to consider the petitioner's prayer for interim protection against eviction sympathetically.

7. Accordingly, this writ petition is disposed of. However, there shall be no order as to costs.

17.06.2025

Index: Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No



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N.MALA,J.

smn

To.

1. The District Collector,
Chennai District Collectorate,
Chennai – 600 001.

2. The Revenue Divisional Officer,
Chennai Central Division,
Chennai.

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