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W.P.No.22767 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.06.2025

Coram:

THE HONOURABLE MRS.JUSTICE N.MALA

WP.No.22767 of 2025

P. Ganesan

... Petitioner

Vs.

1.The District Collector,
Office of the Collectorate,
Salem District.

2. The Revenue Divisional Officer,
Office of the RDO,
Attur Town and Taluk,
Salem District.

3. Chithra

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India

for issuance of a Writ of Mandamus directing the second respondent to dispose of the petitioner's representation dated 12.03.2025 within a time may be stipulated by this Court and pass orders.

For Petitioner

: Mr.A. Rajakumar

For Respondents 1 and 2

: Mr.M.Shajakhan,

Government Advocate



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ORDER

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

2.Mr.M.Shajakhan, Special Government Pleader takes notice for the first and second respondents.

3. The petitioner is a senior citizen. The petitioner's son died in the year 2017, and thereafter, the 3rd respondent (daughter-in-law) and the grand children of the petitioner were taking care of him. Hence, to favour them, the petitioner executed a settlement deed, in favour of his grand children, on 25.01.2019, with a stipulation that the third respondent, will take of his wife and him. According to the petitioner, after the execution of the settlement deed, the 3rd respondent neglected the petitioner and his wife and started disturbing the petitioner's enjoyment of the agricultural lands, which were settled by him in favour of his grand sons. Aggrieved by the conduct of the 3rd respondent the petitioner decided to cancel the settlement deed. The petitioner in furtherance of his decision to cancel the settlement

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deed, submitted a representation dated 12.03.2025 to the second respondent, invoking the provisions of Section 23 of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007. Despite the receipt of the said representation no action was taken. Hence, the petitioner was constrained to file the above writ petition for the aforesaid relief.

4. The learned counsel for the petitioner submits that notice of enquiry was sent to the petitioner and thereafter no action was taken. He further submits that a direction may be issued to the second respondent to dispose of the petitioner's representation dated 12.03.2025, within a time frame fixed by this Court.

5. In view of the foregoing facts, this Court is inclined to issue a direction to the second respondent to consider the petitioner's representation dated 12.03.2025, submitted under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007, by conducting a proper enquiry and by affording an opportunity of hearing to both the petitioner and the third respondent. The second respondent shall thereafter pass appropriate orders

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on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

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

25.06.2025

smn

Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

To

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N.MALA, J

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