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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2025

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.17422 of 2024
and
W.M.P.No.19204 of 2024

S.Palanisamy

.. Petitioner

Vs.

1.The District Collector / Appellate Tribunal
For Maintenance and Welfare of Parents and Senior Citizens,
Dharapuram, Tiruppur District, Tiruppur.

2.The Revenue Divisional Officer / Tribunal
For Maintenance and Welfare of Parents and Senior Citizens,
Dharapuram, Tiruppur District, Tiruppur.

3.Manivel

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Muu. Mu.26577/2023/E1 dated 29.01.2024 and to quash the same.

For Petitioner
For R1 & R2
For R3

.. Mr.C.Prakasam
.. Mr.N.Naveen Kumar, Govt. Advocate
.. Ms.R.Priyadharsini



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ORDER

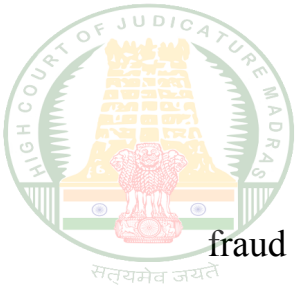
This Writ Petition has been filed in the nature of a Certiorari seeking records relating to an order passed by the 1st respondent, District Collector / Appellate Tribunal For Maintenance and Welfare of Parents and Senior Citizens, Dharapuram, Tiruppur District in proceedings No.Muu. Mu. 26577/2023/E1 dated 29.01.2024 and to quash the same.

2.The petitioner is a senior citizen. On the date of filing the writ petitioner he was aged 92 years. He is deeply aggrieved by the actions of the 3rd respondent, his brother's son on whom he had placed trust that the said 3rd respondent who look after him in his old age. It is contended that the son of the petitioner is unfortunately afflicted with unsound mind. The petitioner could not look after his son. The 3rd respondent assured that he would look after the petitioner and also the son of the petitioner. The daughter is also living with the petitioner. It is stated that the 3rd respondent took the petitioner to the Sub-Registrar office and the petitioner trusting the words of the 3rd respondent had signed certain documents, which later



turned out to be a Sale Deed with respect to the property belonging to the petitioner herein. The petitioner had given a complaint under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act. The said representation, came to be rejected by the District Collector by the impugned order dated 29.01.2024 since the District Collector had observed that with respect to said execution of Sale Deed and seeking a declaration that such execution of Sale Deed is mired with fraud and misrepresentation, O.S.No.274/2018, 275/2018, 279/2018 and 242/2020 are pending before the Sub Court at Dharapuram.

3.It is only appropriate that the learned Sub Judge, Dharapuram, is permitted to examine the issues raised without being influenced by any order of this Court. It is also informed O.S.No.274/2018 had been dismissed by judgment dated 29.08.2024. That was a suit filed by Chellammal, who also claimed the similar relief. It is only appropriate that the petitioner concentrates on the suits, which he had filed, and substantial relief could be obtained only before the Civil Court. The scope of enquiry under Article 226 of the Constitution of India is extremely narrow and issue of execution of sale deed and surrounding circumstances whether it was tainted with



fraud or misrepresentation could never be addressed on the basis of affidavits and counter affidavits. Evidence is required on all those attendant circumstances. Since the petitioner had filed civil suits already, this Writ Petition stands disposed of. No costs.

4. With the above observations, this Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

10.01.2025

Index: Yes/No
Internet: Yes/No
smv

To

1. The District Collector / Appellate Tribunal
For Maintenance and Welfare of Parents and Senior Citizens,
Dharapuram, Tiruppur District, Tiruppur.
2. The Revenue Divisional Officer / Tribunal
For Maintenance and Welfare of Parents and Senior Citizens,
Dharapuram, Tiruppur District, Tiruppur.



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C.V.KARTHIKEYAN,J.

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