



W.P.No.33294 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.33294 of 2024

S.Maniyan

...Petitioner

-Vs-

1. The District Collector,
Mayiladuthurai District,

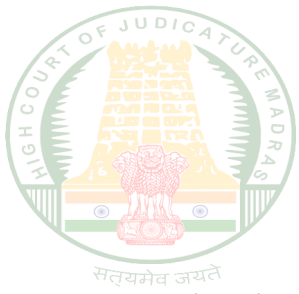
2.The Sub Divisional Magistrate cum
The Revenue Divisional Officer,
Sirkazhi, Mayiladuthurai District.

3.Paul Perinbam

4.Subathira Paul Perinbam

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the 2nd respondent herein to conduct enquiry in tha.Pa.No.15/2023/A2 dated 01.09.2023 based on petitioner's representation



W.P.No.33294 of 2024

dated 28.08.2023 made under the maintenance and welfare of parents and senior citizen Act, 2007 and thereby cancel the settlement deed bearing Nos.1290 and 1291 of 2014 before the SRO, Tharangambadi and consequently restore back his properties to substantiate his living within a time fixed by this Court.

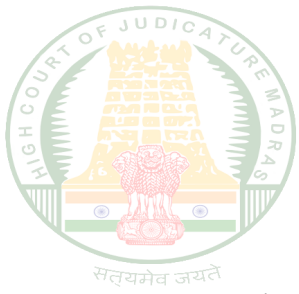
For Petitioner : Mr.P.Dinesh Kumar

For Respondents : Mr.A.Anandan, for R1 & R2
Mr.B.Jawahar, for R3 and R4

ORDER

The writ petition has been filed to direct the 2nd respondent herein to conduct enquiry in Tha.Pa.No.215/2023/A2 dated 01.09.2023 based on petitioner's representation dated 28.08.2023 made under the maintenance and welfare of parents and senior citizen Act, 2007 and thereby cancel the settlement deed bearing Nos.1290 and 1291 of 2014 before the SRO, Tharangambadi and consequently restore back his properties to substantiate his living within a time fixed by this Court.

2.The learned counsel appearing for the petitioner submitted that on 25.11.2014 Petitioner executed two settlement deeds (Doc. Nos. 1290 &



W.P.No.33294 of 2024

WEB COPY

1291/2014) in favour of the Respondent concerning the subject property. On 20.04.2019 an agreement was reached between the Petitioner and the 3rd Respondent, wherein the 3rd Respondent agreed to execute an appropriate document in favour of the Petitioner. Despite the Panchayat arrangement, the 3rd Respondent executed a settlement dated 08.03.2023 deed in favor of the 4th Respondent for the same property. The petitioner submitted representations dated 28.08.2023 to the 1st Respondent under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, requesting cancellation of the 2014 settlement deeds. Learned counsel further submitted that till now no action has been taken by the 2nd respondent.

3.The learned counsel appearing for the respondent would further submit that the copy of the communication from RDO, Seerkazhi, Ref. No.Tha.Pa.No.215/2023/A2 dated 17.03.2025 wherein it is stated that he is not passing the order and is waiting for the outcome of the writ petition and that he is unable to pass orders since the writ petition is pending before this Court.



W.P.No.33294 of 2024

WEB COPY

4. Heard both side and perused the materials available on record.

5. Without going into the merits of the case, the 2nd respondent is directed to consider the petitioner's representation dated 28.08.2023 after conducting a detailed enquiry by giving due notice to the petitioner as well as the respondents 3 & 4, an opportunity of personal hearing, and to consider the documents filed by both the parties, on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.

6. Accordingly, the writ petition stands disposed of. No Costs.

27.03.2025

vsn

Index : Yes / No

Speaking / Non-Speaking Order



W.P.No.33294 of 2024

WEB COPY

To

1. The District Collector,
Mayiladuthurai District,

2. The Sub Divisional Magistrate cum
The Revenue Divisional Officer,
Sirkazhi, Mayiladuthurai District.



WEB COPY



W.P.No.33294 of 2024

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W.P.No.33294 of 2024

27.03.2025