



WEB COPY



W.P.No.32364 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2025

CORAM

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.32364 of 2024
and WMP.No.35145 of 2024

P.Venkat

... Petitioner

vs.

1. The Parents and Senior Citizens Maintenance Tribunal Officer-cum-The Revenue Divisional Officer, Office of the Parents and Senior Citizens Maintenance Tribunal Officer-cum-Revenue Divisional Officer, Madurantakam, Chengalpattu District.

2. A.Panneer

3. The Revenue Divisional Officer,
Chennai (South),
Chennai 600 032.
(R3 - Suo motu impleaded as per order
dated 07.02.2025)

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus calling for the records relating to the impugned notice dated 16.10.2024 in Na.Ka.No.3649/2024/Aa issued by the first respondent and all further proceedings and quash the same.



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For Petitioner : Mr.S.Prem Auxilian Raj

For R1 & R3 : Mr.A.Anandan
Govt.Advocate

For R2 : Mr.Dhanaram

ORDER

The present writ petition has been filed challenging the impugned notice of the first respondent dated 16.10.2024 and quash the same.

2. It is the case of the petitioner that he is working as “Senior Consultant Surgical Oncologist” in Apollo Cancer Centre, Chennai. His father was in government service, he is still practising as a Senior Consultant in Apollo Hoispital, Chennai. His mother viz., Hamsavathy died on 19.12.2008 leaving behind himself, his father, the second respondent and his elder sister as her legal heirs. Subsequently, by Deed of Family Arrangement dated 13.02.2013 entered into between the petitioner and his father, second respondent herein and his elder sister, he was allotted the front portion of the land and home situated at Alwarpet, Teynampet, Chennai and his elder sister was allotted a rear portion with a common passage. His father was residing with him in his house.



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Thereafter, the petitioner was received notice from the first respondent dated 24.09.2024 stating that his father, second respondent has given a petition to cancel the settlement deed executed by him in his favour. The said notice was served on the petitioner only on 30.09.2024 calling upon him to appear for enquiry. Since, he had prior appointment for surgeries of cancer patients on 01.10.2024, he could not appear on that day before the first respondent. Thereafter, again, the first respondent issued notice dated 04.10.2024 calling upon the petitioner to appear for an enquiry on 15.10.2024 and he appeared before the first respondent and submitted his reply in response to the notice issued by the first respondent. After receipt of his reply dated 15.10.2024, the first respondent sent a notice dated 16.10.2024. Hence, the petitioner has filed the present writ petition.

3. The learned counsel appearing for the petitioner submitted that the petitioner as well as the second respondent both are residing in Alwarpet, Chennai, whereas the complaint has been given by the second respondent under Section 23 of the Maintenance of Welfare of Senior Citizens Act, 2007 before the first respondent, Revenue Divisional Officer,



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Madurantakam. The main contention of the petitioner is that the first respondent has no jurisdiction to entertain the petition given by the second respondent. This Court based on the submissions made by the learned counsel appearing for the petitioner granted an order of interim stay on 29.10.2024 which was extended till 26.11.2024 and periodically extended till date.

4. The learned counsel appearing for the second respondent submitted that since the jurisdiction ground has been taken by the petitioner, now he has filed an application under Section 23 of the Maintenance of Welfare of Senior Citizens Act, 2007 before the first respondent, Revenue Divisional Officer, Chennai dated 05.02.2025. Hence, it is necessary to implead Revenue Divisional Officer (South), Chennai as respondent i.e. third respondent in the present writ petition.

5. Heard the learned counsel appearing on either side and also perused the materials available on records.



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6. In view of the submissions made by the learned counsel on either side, the Revenue Divisional Officer, Chennai (South), Chennai 600 032, is suto motu impleaded as a party respondent, namely, the third respondent. The impugned notice dated 16.10.2024 of the first respondent is hereby set aside. The third respondent, Revenue Divisional Officer, is directed to consider the representation of the second respondent dated 05.02.2025 after giving due notice to the petitioner as well as the second respondent, affording opportunity of personal hearing, on merits, in accordance with law and pass appropriate orders , within a period of three months from the date of receipt of a copy of this order.

7. This writ petition stands disposed of with the above direction.
No costs. Consequently, connected miscellaneous petition is closed.

07.02.2025

Index : Yes/No.
Internet : Yes/No.
Neutral Citation : Yes/No
Speaking : Non-speaking Order
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J.SATHYA NARAYANA PRASAD,J.

kkd

To

1. The Parents and Senior Citizens Maintenance
Tribunal Officer-cum-The Revenue Divisional Officer,
Office of the Parents and Senior Citizens Maintenance
Tribunal Officer-cum-Revenue Divisional Officer,
Madurantakam, Chengalpattu District.
2. The Revenue Divisional Officer,
Chennai (South),
Chennai 600 032.

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