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W.P.No.2566 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM

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

W.P.No.2566 of 2025

R.Kalyanasundaram

... Petitioner

VS.

1. The District Collector,
Chennai District, Office at No.62,
Chennai Collectorate, Singaravellan Maligai,
IV Floor, George Town, Chennai 600 091.

2. Shyamala

3. The Revenue Divisional Officer,
Central, Chennai.
(R3 - Suo motu impleaded as per order
dated 03.02.2025)

... Respondents

Writ Petition is filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus directing the first respondent to consider the representation dated 28.08.2024 in a time bound manner.

For Petitioner : Mr.S.P.Siva Pradosh

For R1 to R3 : Mr.S.J.Mohamed Sathik
Govt.Advocate



WEB COPY



W.P.No.2566 of 2025

ORDER

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. The present writ petition has been filed to issue a writ of mandamus directing the first respondent to consider the representation of the petitioner dated 28.08.2024 in a time bound manner .

3. It is the case of the petitioner that he had purchased a vacant land bearing Plot No.6 comprised in S.No.23/1, No.106 in Koyambedu, admeasuring about 2402 sq.ft.vide Sale Deed in Doc.No.1600 of 1970 from one Mrs.Valliammal and Mr.K.Srinivasan. Thereafter, he was in possession and enjoyment of the same. Subsequently, the petitioner entered into an unregistered Joint Venture Agreement dated 26.12.1997 with one of the builders namely, M/s.VP Builders for construction of the said properties admeasuring about 3600 sq.ft. Ground plus first floor at the said property purchased by him. As per the terms of the said Joint Venture Agreement, the said builders constructed two residential



W.P.No.2566 of 2025

apartments admeasuring about 750 sq.ft.each in ground and first floor.

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4. It is the further case of the petitioner that his elder daughter expired on 25.10.2017 and also his son-in law expired on 14.02.2023 leaving behind her two daughters and they were staying at Flat A settled to the second respondent. The petitioner had entered into Settlement Deed vide Doc.No.972 of 2012 registered before the Sub Registrar Office at Anna nagar in favour of the second respondent, who is the younger daughter of him. But she has not supported or maintained him till date. Hence, the petitioner sent a representation dated 28.08.2024 to the first respondent to invoke Section 23(1) of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 seeking Revocation/Cancellation of the Settlement Deed dated 14.03.2012 in favour of the second respondent. Again, he sent reminder dated 05.11.2024 to the first respondent. On such receipt of the same, the first respondent did not take any action . Hence, the petitioner has filed the present writ petition.

5. The learned Government Advocate appearing for the respondents submitted that the first respondent, District Collector is the appellate



W.P.No.2566 of 2025

authority and the competent authority, is Revenue Divisional Officer who has to decide the representation of the petitioner dated 28.08.2024, he is not party in the present writ petition.

6. The learned Government Advocate further submitted that the representation of the petitioner dated 28.08.2024 was submitted to the first respondent, District Collector. Since the representation of the petitioner has to be considered by the Revenue Divisional Officer, he has to be impleaded as the third respondent in this writ petition. The learned Government Advocate further submitted that the representation will be forwarded to the third respondent and the same will be considered on merits and in accordance with law within a time stipulated by this Court.

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

8. In view of the submissions made by the learned Government Advocate appearing for the respondents, the Revenue Divisional Officer, Central, Chennai, is suo-motu impleaded as a party-respondent, namely,



W.P.No.2566 of 2025

the third respondent. The third respondent is directed to consider the representation of the petitioner dated 28.08.2024 after giving due notice to the petitioner as well as the interested parties, 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.

9. This writ petition stands disposed of with the above direction.

No costs.

03.02.2025

Index : Yes/No.
Internet : Yes/No.
Neutral Citation : Yes/No
Speaking : Non-speaking Order
kkd

To

The District Collector,
Chennai District, Office at No.62,
Chennai Collectorate, Singaravelan Maligai,
IV Floor, George Town, Chennai 600 091.

2. The Revenue Divisional Officer,
Central, Chennai.



WEB COPY



W.P.No.2566 of 2025

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WP.No.2566 of 2025

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