



*W.P.(MD)No.9936 of 2025*

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 22.04.2025**

**CORAM:**

**THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH**

**W.P.(MD)No.9936 of 2025**

S.Poovathi

: Petitioner

Vs.

1. The District Collector,  
O/o the District Collector,  
Madurai City.

2. The Revenue Divisional Officer,  
O/o, the Revenue Divisional Officer,  
Tirumangalam,  
Madurai District.

3. Sivakumar

4. Kalaiselvi

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent No.2 to consider and dispose of the petition dated 12.08.2024 preferred by the petitioner under sections 5 and 23 of Maintenance and Welfare of Parents and Senior Citizen Act, 2007.

For Petitioner : Mr. S.Nihar Ali

For Respondents : Mr.J.K.Jayaselan

Government Advocate for R1 & R2



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## **ORDER**

This Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the second respondent to consider and dispose of the petition dated 12.08.2024, submitted by the petitioner under Sections 5 and 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

2. Heard the learned counsel for the parties. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the respondents 3 and 4 is dispensed with.

3. The petitioner asserts that the third respondent is her own son and that, following the demise of the petitioner's husband, the third and fourth respondents insisted the petitioner to execute a sale deed in respect of her agricultural land, under the guise that they would take care of her. Subsequently, the petitioner executed a gift deed in favour of the third respondent. However, after the gift deed was registered, the third



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respondent failed to take care of the petitioner. In this regard, the petitioner submitted a representation dated 12.08.2024 to the first respondent, requesting appropriate action against the respondents 3 and 4. As no action has been taken, the petitioner has now filed the present Writ Petition.

4. The learned counsel for the petitioner would submit that, it would suffice, if this Court issues a direction to the second respondent to consider the representation of the petitioner and pass appropriate orders, within a time frame that may be stipulated by this court.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.



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6. In the light of the above observations, there shall be a direction to the second respondent to consider the petitioner's representation dated 12.08.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of eight weeks from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the second respondent to consider the same on its own merits.

7. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

**22.04.2025**

Index : Yes / No

Internet : Yes / No

PKN



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**VIVEK KUMAR SINGH, J.**

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