



W.P.(MD)No.10203 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.10203 of 2025

Esakki

: Petitioner

Vs.

1. The District Collector,
O/o. Collectorate,
Tenkasi District.

2. The Revenue Divisional Officer,
O/o. Revenue Divisional Office,
Tenkasi District.

3. Subramanian

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 to declare the registered settlement deed in Doc.No.1535 of 2004, dated 17.08.2024 which was executed in favour of the 3rd respondent as VOID in line with Section 23(1) of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and based on petitioner's representation dated 26.03.2025.

For Petitioner : Mr. S.Ramanathan

Fore Respondents: Mr.K.S.Selvaganesan

Addl. Government Pleader for R1 & R2



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ORDER

This Writ Petition has been filed seeking a direction to the respondents 1 and 2 to declare the registered settlement deed, bearing Document No.1535 of 2004, dated 17.08.2004, executed in favour of the third respondent, as void under Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, based on the petitioner's representation dated 26.03.2025.

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 third respondent is dispensed with.

3.The petitioner asserts that, out of love and affection, he executed a registered settlement deed in Doc.No.1535 of 2004, dated 17.08.2004, in favor of the third respondent, who is one of his sons. However, after the execution of the settlement deed, the petitioner's son



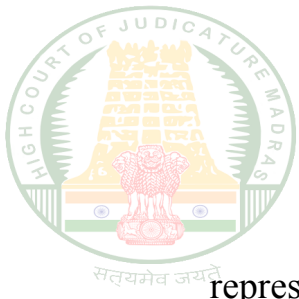
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has not taken care of him. As a result, the petitioner now intends to cancel the settlement deed. In this regard, he submitted a representation, dated 26.03.2025, to the respondents 1 and 2, requesting them to cancel the settlement deed, which was executed in favour of the third respondent. However, since no action has been taken on the representation, the petitioner has now approached this Court by filing the present Writ Petition.

4. 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.

5. In the light of the above observations, there shall be a direction to the second respondent to consider the petitioner's



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representation dated 26.03.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all the 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.

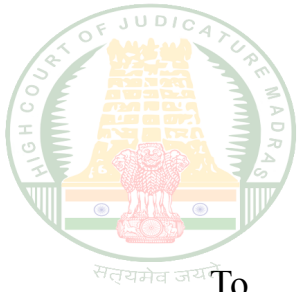
6. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

09.04.2025

Index : Yes / No

Internet : Yes / No

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VIVEK KUMAR SINGH, J.

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