

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-02-2025

CORAM

THE HONOURABLE MR JUSTICE J.SATHYA NARAYANA PRASAD

WP NO. 2765 of 2025

AND WMP NO. 3098 OF 2025

T.Lakshmanan
S/o. Thulukanam, 55, Bajanaikoil Street,
Krishnapuram Village, Poondi Post, Tiruvallur
District.

Petitioner(s)

Vs

1. The District Collector /
Appellate Tribunal For Parents And Senior
Citizens Collectorate, Tiruvallur- 602 001,
Tiruvallur District.
2. The Revenue Divisional Officer /
Sub Divisional Magistrate, Tribunal For Parents And Senior Citizens
Tiruvallur- 602 001, Tiruvallur District.
3. L.Kuppusamy

... Respondents

Writ petition is filed to issue a writ of Certiorified Mandamus calling for the records relating to the impugned order dated 03.02.2024 made in Na.Ka.1548/2023/M4 passed by the first respondent confirming the order dated 03.05.2023 made in Mu.Mu.1162/2023/A6 passed by the 2nd respondent, quash the same and consequently direct the respondents 1 and 2 to order for cancellation of the disputed Settlement Deed dated 26.05.2020 (Doc.No.800/2020-SRO, Oothukottai) stands in the name of the 3rd respondent.

For Petitioner : Mr.N.Manoharan

For R1 & R2 : Mr.S.J.Mohamed Sathik
Govt.Advocate.

ORDER

This writ petition has been filed challenging the impugned order passed by the first respondent dated 03.05.2023 and quash the same and for a consequential direction to the respondents 1 and 2 to order for cancellation of the disputed Settlement Deed dated 26.05.2020 (Doc.No.800/2020-SRO , Oothukottai, stands in the name of the third respondent.

2. Mr.S.J.Mohamed Sathik, learned Government Advocate takes notice for R1 and R2.

3. It is the case of the petitioner that he was a senior citizen/octogenarian, aged about 80 years. His grand father late Mr.P.Kanniappa Reddy had owned the lands measuring 2.97 acres in S.F.No.19/2 and 97 cents in S.F.No.26/6, Krishnapuram Village. After partition of the ancestral properties, he got the subject properties comprised in S.F.No.19/2B (88 cents), S.F.No.19/2C (36 cents) and

S.F.No.26/6B(44 cents) at Krishnapuram Village, Tiruvallur Taluk and District. While so, his son, third respondent, had fraudulently managed to get the disputed Settlement Deed dated 26.05.2020 in respect of the aforesaid properties. After getting the disputed Settlement Deed, the third respondent harassed the petitioner. Thereafter, the petitioner has given a complaint to the first respondent during the Public Grievance Day Meeting held on 30.01.2023 and 27.02.2023 and the same was forwarded to the second respondent for enquiry on 14.03.2023. However, the second respondent passed the impugned order dated 30.05.2023 without any enquiry, by rejecting his prayer for cancellation of the settlement deed dated 26.05.2020, but directed the third respondent to pay a sum of Rs.3,000/- per month towards maintenance.

4. The learned counsel appearing for the petitioner would submit that the impugned order passed by the second respondent, Tribunal Officer, Senior Citizen Maintenance, Thiruvallur, vide proceedings in Mu.Mu.1162/2023/A6 dated 30.05.2023 has directed the third respondent to pay Rs.3,000/- per month towards maintenance on 5th day of every calender month to the petitioner. Aggrieved against the order dated

26.03.2020, the petitioner filed an appeal before the first respondent/ Appellate Tribunal dated 12.06.2023. Thereafter, the order was also also confirmed by the first respondent, Appellate Authority viz., District Collector, Thiruvallur vide order dated 03.02.2024 in Na.Ka.No.1548/2023/M4 .

5. The learned counsel appearing for the petitioner would further submit that the petitioner has also given a representation dated 27.01.2023 to the second respondent for cancellation of the Settlement Deed dated 26.052020 bearing Doc.No.800 of 2020. As per the orders of the first and second respondents dated 30.05.2023 and 03.02.2024 respectively, the third respondent has not paid monthly maintenance till date.

6. In view of the above, there shall be an order of interim injunction till 18.02.2025.

7. Issue notice to R3 through Court as well as privately returnable by 18.02.2025. Batta to be paid within three working days from today, failing which, this writ petition will be dismissed in respect of R3 automatically without further reference to this Court.

Post this case on 18.02.2025.

03.02.2025

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To

1. The District Collector /
Appellate Tribunal For Parents And Senior Citizens
Collectorate, Tiruvallur- 602 001, Tiruvallur District.

2.The Revenue Divisional Officer /
Sub Divisional Magistrate, Tribunal For Parents And Senior Citizens
Tiruvallur- 602 001, Tiruvallur District.

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