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W.P.No.32650 of 2022

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.32650 of 2022

S.Selvaraj Simpson

...Petitioner

Vs.

1.The District Collector,
Singaravelar Maaligai,
62, Rajaji Salai,
Chennai Collectorate,
Chennai, Tamil Nadu – 600 001.

2.The RDO – Ambattur,
Padikuppam Road,
Anna Nagar West Extension,
Chennai, Tamil Nadu – 600101.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the official communication of the 2nd respondent to the petitioner in Na.Ka.No.1369/2021/A4, dated 15.10.2021, quash the same and consequently, direct the 1st and 2nd respondents to act on the detailed complaint given by the petitioner on 16.08.2021 to the 1st respondent under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 within the time stipulated.

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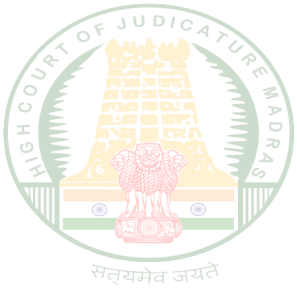


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For Petitioner : Mr.Sushil Rajkumar
For Respondents : Ms.P.Rajeswari
Government Advocate

ORDER

Though the order challenged in the Writ Petition is one transferring proceedings to the jurisdictional Revenue Divisional Officer. A perusal of the document executed by the petitioner reveals that the petitioner cannot seek relief under the special enactment namely, Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Section 23 of the Act declares certain transfers as void. There are two essential pre-conditions namely, the document should have been executed after the coming into force of the Act and it should contain clause imposing an obligation on the settlee or transferee to maintain the settlor or transferor. Evidently, such clause is absent in the document in question therefore, the authority under Section 23 of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 cannot entertain an application for cancellation of the document.



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3.Hence, this Writ Petition is dismissed on the conclusion that the

very application before the Revenue Divisional Officer is not maintainable.

It will however, open to the petitioner to launch appropriate proceedings, seeking maintenance from his son and also for cancellation of the document before the appropriate Civil Court subject to the availability of the remedy.

No costs.

06.12.2022

kkn

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

To:-

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R.SUBRAMANIAN, J.

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