



W.P.(MD)No.12801 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.12801 of 2024

and

W.M.P.(MD)No.11379 of 2024

V.Christy Victoria

... Petitioner

-VS-

1.The Appellate Authority of Tribunal for Maintenance and
Welfare of Parents and Senior Citizens,
/The District Collector,
Tirunelveli,
Tirunelveli District.

2.The Authority of Tribunal for Maintenance and
Welfare of Parents and Senior Citizens,
/ The Sub Collector,
Cheranmahadevi,
Tirunelveli District.

3.Rosemani

... Respondents



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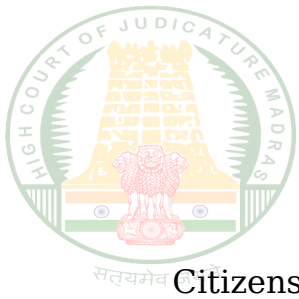
PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the first respondent proceedings in No.1010/A1/2023 dated 19.02.2024 and quash the same.

For Petitioner : Mr.Aayiram K.Selvakumar
For Respondents 1 & 2 : Mrs.K.R.Shivashankari,
Counsel for the State of Tamil Nadu
For Respondent No.3 : Mr.R.Balakrishnan

ORDER

Challenging the impugned proceedings of the first respondent in No.1010/A1/2023 dated 19.02.2024, the present Writ Petition has been filed.

2.The case of the petitioner is that the third respondent is the petitioner's mother and out of love and affection, the third respondent and the petitioner's brother executed a release deeds bearing Document Nos. 551 of 2019, 549 of 2019, 555 of 2019 and 547 of 2019 dated 25.03.2019 in favour of the petitioner. Thereafter, the third respondent initiated proceedings under the Maintenance and Welfare of Parents and Senior



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Citizens Act, 2007, before the second respondent. Pursuant thereto, the second respondent in and by proceedings dated 11.04.2023, dismissed the claim of the third respondent. Aggrieved by the same, the third respondent preferred an appeal before the first respondent. The First respondent by impugned proceedings dated 19.02.2024, ordered for maintenance of Rs.15,000/- per month to be paid by the petitioner. Aggrieved over the same, the present Writ Petition has been filed.

3.Learned counsel for the petitioner submitted that the third respondent is receiving monthly pension of Rs.60,000/- and suppressing the same, she made a complaint before the second respondent under the Act, however, the second respondent upon enquiry, rightly rejected the claim of the third respondent. Thereafter, in the appeal preferred by the third respondent, the first respondent vide the impugned order dated 19.02.2024, ordered for maintenance of Rs.15,000/- per month to be paid by the petitioner to the third respondent, contrary to Section 4 of the Act. Section 4 of the Act contemplates that only a senior citizen including parent who is unable to maintain himself from his own earning or property owned by him, shall be entitled to make an application under section 5 of the Act. Whereas, the third respondent is receiving Rs.60,000/- family pension. Accordingly, prays for allowing this Writ Petition.



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4.Per contra, learned Counsel for the third respondent would submit that the petitioner has got the ATM card of the third respondent and thereby, she is unable to withdraw the pension amount also. However, learned Counsel prays that this Court may grant liberty to the third respondent to file a complaint with regard to the above allegations and also permit the third respondent to make a request for issuance of fresh ATM card. Accordingly, he prays for appropriate orders.

5.Heard the learned Counsel for the parties and perused the materials available on record.

6.Admittedly, the petitioner is the daughter of the third respondent and the third respondent has executed release deeds in favour of the petitioner. It is submitted that the third respondent is receiving pension of Rs.60,000/- and she is capable of maintaining herself. As rightly contended by the learned Counsel for the petitioner, Section 4 of the Act contemplates that only a senior citizen including parent who is unable to maintain himself from his own earning or property owned by him, shall be entitled to make an application under section 5 of the Act. Admittedly, the third



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respondent is capable of maintaining herself and hence, the impugned order of the first respondent dated 19.02.2024, ordering monthly maintenance of a sum of Rs.15,000/- to be paid by the petitioner warrants interference. However, it is submitted by the third respondent that though she is receiving family pension, she is unable to withdraw the said amount, since the petitioner has got the ATM card of the third respondent and thereby, not allowing the third respondent to withdraw the same and seeks for liberty to work out her remedy in the manner to law.

7.In view of the above, this Writ Petition stands allowed and the impugned order of the first respondent in No.1010/A1/2023 dated 19.02.2024 is hereby quashed. However, liberty is granted to the third respondent to work out her remedy by approaching the concerned bank for fresh or new ATM card, in the manner known to law. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

22.07.2026

NCC : Yes / No

Index : Yes / No

Internet: Yes / No



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To

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M.DHANDAPANI, J.

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