



W.P(MD)No.19137 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.19137 of 2023
and
WMP (MD) No.15879 of 2023

T.Chellamari

... Petitioner(s)

VS.

1. The Maintenance and Welfare
Of Parent and Senior Citizens,
Appellate Tribunal Officer Cum the
District Collector,
Theni,
Theni District.

2. The Maintenance and Welfare
Of Parent and Senior Citizens, Welfare
Officer Cum the Sub Collector,
Periyakulam,
Theni District.

3. T.Jeyakodi

4. T.Muthu

... Respondent(s)

1/6



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PRAYER : Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 1st respondent in Se.Mu.Na.Ka.no. 575/A3/2021 dated 28.12.2022 as illegal and quash the same and consequently direct the 1st respondent to order monthly maintenance to the petitioner as per section 9 of The Maintenance And Welfare Of Parents And Senior Citizens Act 2007 within a time frame.

For Petitioner	: Mr.J.Senthil Kumaraiah
For R1 & R2	: Mr.R.Ramasamy, Counsel for State

ORDER

Challenging the order dated 28.12.2022 passed by the first respondent rejecting the petitioner's appeal, the present writ petition has been filed.

2. Heard the learned counsel for the parties. Though the names of the respondents 3 and 4 are printed in the cause list, there is no representation on behalf of the respondents 3 and 4.



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3. The learned counsel for the petitioner submitted that the first respondent, without considering the age and circumstances of the petitioner, mechanically rejected the appeal on the ground that the petitioner is receiving an old age pension of Rs.1,000/- per month and that the registered gift deeds executed separately by the petitioner in favour of the respondents 3 and 4 do not contain any condition requiring them to maintain the petitioner. Aggrieved by the said order, the present writ petition has been filed.

4. The learned Government Counsel appearing for the respondents 1 and 2 submitted that the registered gift deeds dated 27.04.2018 admittedly do not contain any specific conditional clause attracting Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

5. Having considered the submissions made on either side, this Court is of the considered view that the mere receipt of an old age pension by the petitioner does not absolve respondents 3 and 4 of their statutory obligation to maintain their mother under Section 4(1) of the Maintenance and Welfare of



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Parents and Senior Citizens Act, 2007. Therefore, in the interest of justice, respondents 3 and 4 are directed to pay a sum of Rs.2,000/- (Rupees Two Thousand only) each per month to the petitioner towards her maintenance. In the event of any default in the payment of the monthly maintenance, it is open to the petitioner to work out her remedy before the competent authority under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, including by seeking enforcement of the maintenance order, in accordance with law.

6. With the above directions, this writ petition is partly allowed. No costs. Consequently, the connected miscellaneous petition is closed.

20.07.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes
PKN



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M.DHANDAPANI,J.

PKN

**ORDER MADE IN
W.P(MD)No.19137 of 2023**

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