

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 19361

WP(C).No. 33131 of 2014 (N)

PETITIONER(S) :

**POKKER HAJI, AGED 84 YEARS,
S/O.KUNJAHAMMED, KOPPATH PARAMEL, KALPAKA STREET,
MALAPATTAMBI POST, PATTAMBI, PALAKKAD DISTRICT.**

BY ADV. SRI.R.SREEHARI

RESPONDENT(S) :

- 1. THE APPELLATE AUTHORITY,
UNDER THE MAINTENANCE AND WELFARE PARENTS &
SENIOR CITIZENS ACT 2007, DISTRICT COLLECTOR,
CIVIL STATION, PALAKKAD - 678 001.**
- 2. THE MAINTENANCE TRIBUNAL UNDER THE MAINTENANCE
AND WELFARE OF PARENTS & SENIOR CITIZENS ACT 2007,
REVENUE DIVISIONAL OFFICER, OTTAPALAM - 679 101.**
- 3. KUNHIMOHAMMED RASHEED, AGED 58 YEARS
S/O.POOKER HAJI.**
- 4. ABDUL SAMAD, AGED 53 YEARS,
S/O.POKKER HAJI.**
- 5. LIYAKATH ALI, AGED 52 YEARS,
S/O.POKKER HAJI.**
- 6. SAKKEER HUSSAIN, AGED 44 YEARS,
S/O.POKKER HAJI.**
- 7. RAMLATH,
D/O.POKKER HAJI AND W/O.HAMSA.**

**RESPONDENTS 3 TO 6 ARE RESIDING AT KOPPATH PARAMEL,
KALPAKA STREET, MALEPATTAMBI POST, PATTAMBI,
OTTAPALAM TALUK, PIN- 679 303 AND 7TH RESPONDENT IS RESIDING AT
KOOROTTUTHODI VEEDU, CHUNANGAD POST,
OTTAPALAM TALUK, PIN- 679 511.**

R1 & R2 BY SR.GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: PHOTO COPY OF THE ORDER H 3932/2010 DATED 15/12/2010 OF THE 2ND RESPONDENT.**
- EXHIBIT P2: PHOTO COPY OF THE APPEAL FILED BEFORE THE FIRST RESPONDENT.**
- EXHIBIT P3: PHOTO COPY OF THE JUDGMENT IN W.P.(C).NO.16849/2011 DATED 23/06/2011 OF THIS HONOURABLE COURT.**
- EXHIBIT P4: PHOTO COPY OF THE ORDER NO. J4-2011/22798/9 DATED 11/08/2011 OF THE FIRST RESPONDENT.**
- EXHIBIT P5: PHOTO COPY OF THE NOTICE DATED 29/10/2011 ISSUED BY THE 2ND RESPONDENT.**
- EXHIBIT P6: PHOTO COPY OF THE NOTICE DATED 17/12/2011 ISSUED BY THE 2ND RESPONDENT.**
- EXHIBIT P7: PHOTO COPY OF THE NOTICE DATED 03.02.2012 ISSUED BY THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 33131 of 2014

Dated this the 6th day of January, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- “(a) Issue a Writ of Mandamus or other appropriate Writ, order or direction, directing the 2nd Respondent to consider the Petitioner's application filed under the Provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 pending before the second Respondent as evidenced from Exhibits P4 to P7 within a specified time on merits;*
- (b) Grant such other reliefs as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”*

2. The sequence of the events narrated in the writ petition shows that, the petitioner had approached the 2nd respondent claiming maintenance under the Provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 Act, from the children who have been arrayed as respondents 3 to 7 and also to set aside the conveyance already effected by the petitioner in favour of the beneficiary. Interference was declined in the said proceedings as per Ext.P1 order dated 15.12.2010,

passed by the 2nd respondent, whereupon it was sought to be challenged by filing Ext.P2 appeal before the 1st respondent. Pursuant to Ext.P3 judgment, the matter was considered and the 1st respondent passed Ext.P4 order on 11.08.2011, whereby the impugned order was set aside and the matter was remitted to the 2nd respondent for fresh consideration. Though the petitioner has been served with Exts.P5 to Ext.P7 notices on different dates, the matter is still to be finalised and hence the writ petition.

3. Heard the learned Government Pleader as well.

4. Considering the limited extent of relief sought for, this Court does not find it necessary to issue notice to respondents 3 to 7, more so when, this Court does not propose to deal with the merits of the case.

5. The writ petition is disposed of, directing the 2nd respondent to pass final orders pursuant to Ext.P4 remand ordered by the 1st respondent, after hearing all the parties concerned and of course in accordance with the relevant provisions of law. It shall be done, at the earliest, at any rate, within 'three months' from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of this judgment along with a copy of this writ petition before the 2nd respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.

Pn