

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.16407 of 2015

Sivalingam

.. Petitioner

Vs.

1. The Sub-Divisional Magistrate-
cum-Revenue Divisional Officer,
Thiruvallur.

2. S.Arpuhanesan

3. S.Murali

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to issue warrant against the 2nd and 3rd respondents for breach of order and to enforce for levying the amount due made in Proceedings Na.Ka.No.1059/2012/A.2 dated 22.10.2013 on the file of the 1st respondent within a time frame to be stipulated by this Court at its discretion.

For Petitioner : Mr.M.Nirmalkumar
For R-1 : S.Pattabiraman,
Government Advocate
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सत्यमेव जयते

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner claims that he is a Senior Citizen. The respondents 2 and 3 are his biological sons, who are owned obligations to maintain the petitioner by providing food, clothes and medical attendance and treatment to him and since they have failed in their responsibility, the petitioner has given a complaint to the jurisdictional District Social Welfare Officer and the said complaint was forwarded to the first respondent, who upon hearing the respondents 2 and 3, has passed an order dated 22.10.2013 directing the payment of monthly maintenance at the rate of Rs.5,000/- per month payable on or before 10th of the particular month.

3. The conduct of the respondents 2 and 3 was also taken note of and a direction also was given to the jurisdictional police to give police protection to the petitioner. The petitioner further states that under the fond hope and trust that his sons would maintain properly, he has settled the valuable property by means of two Settlement Deeds registered in Document No.8589/2010 dated 09.09.2010 and Document No.11413/2010 dated 25.11.2010 in favour of his daughters and respondents 2 and 3.

4. The petitioner would state that in spite of such an order, respondents 2 and 3 have failed to pay maintenance and therefore, he has filed an application under Section 11(2) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 [hereinafter referred to as the Act] to the first respondent and summons were issued and subsequently, the said application having been given disposal and hence he came forward to file this writ petition to enforce the order of the first respondent dated 22.10.2013.

5. Mr.M.Nirmalkumar, learned counsel appearing for the petitioner would submit that only to enforce the order dated 22.10.2013, the application under Section 11(2) of the Act was filed on 07.02.2014 and the first respondent is bound to implement his own order and hence prays for appropriate orders.

6. The Court heard the submissions of Mr.S.Pattabiraman, learned Government Advocate, who accepts notice for the first respondent.

7. The petitioner prayed for the larger relief. However, this Court, taking into consideration the above facts and circumstances, directs the first respondent to consider the application dated 10.02.2014 filed by the petitioner under Section 11(2) of the Act, in accordance with law, after putting on notice to respondents 2 and 3, and pass orders, within a period of two weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the respondents 2 and 3.

8. This Writ Petition is disposed of accordingly. No costs.

Jrl

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

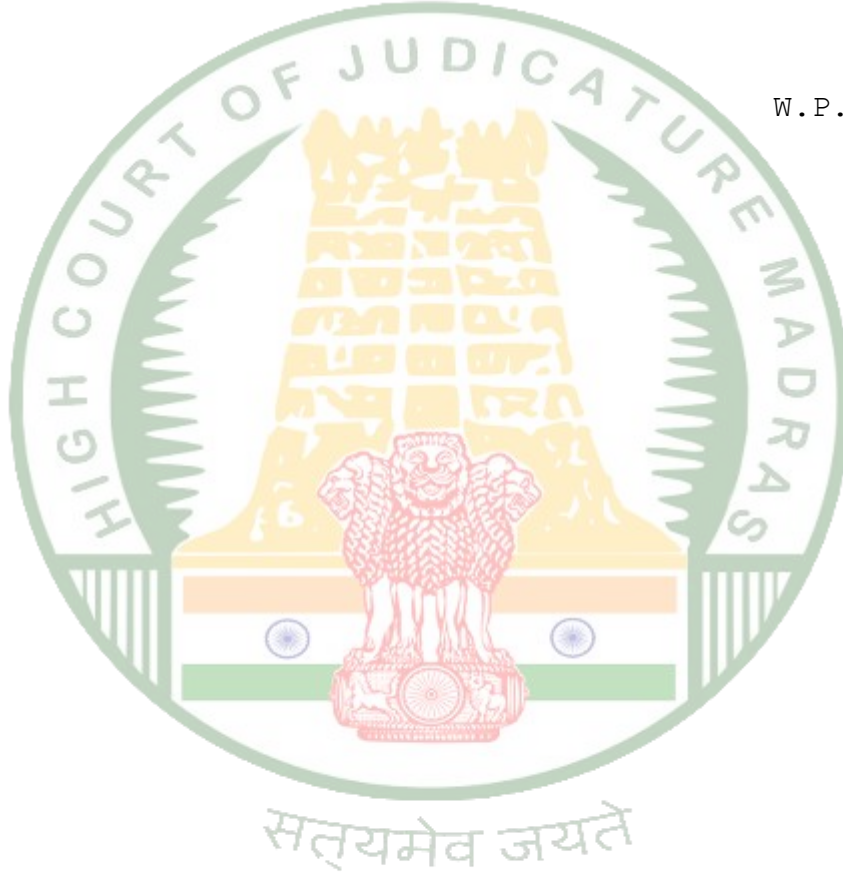
The Sub-Divisional Magistrate-
cum-Revenue Divisional Officer,
Thiruvallur.

+ 1 cc to Mr.M.Nirmal Kumar, Advocate SR 27842

+ 1 cc to Govt.Pleader SR 28230

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