



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2016

CORAM

WEB COPY

**THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM**

W.P. (MD) No.22567 of 2016  
and  
W.M.P (MD) .No.16146 of 2016

A.Lakshmi

.. Petitioner

-vs-

1.The District Social Welfare Officer,  
Theni District.

2.The Inspector of Police,  
Uthamapalayam Police Station,  
Uthamapalayam, Theni District.

3.M.Rani

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents 1 and 2 to implement the proceedings in Na.Ka.No.C-6/249/4601/2016, dated 31.05.2016 and to pay the maintenance to the petitioner by considering the representation, dated 20.08.2016.

For Petitioner : Mr.H.Velavadhas

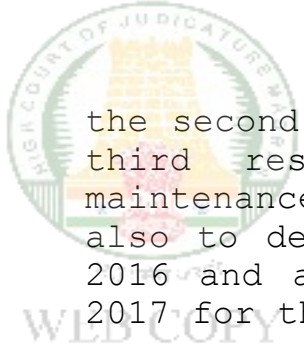
For Respondents : Mr.K.P.Krishnadoss  
Government Advocate  
for R1 and R2

O R D E R

This writ petition has been filed for issuance of Writ of Mandamus, to direct the respondents 1 and 2 to implement the proceedings in Na.Ka.No.C-6/249/4601/2016, dated 31.05.2016 and to pay the maintenance to the petitioner, based on the representation, dated 20.08.2016.

2. Heard the learned counsel on either side.

3. Mr.H.Velavadhas, learned counsel for the petitioner would submit that the petitioner is a senior citizen, aged about 60 years and she was not maintained by the third respondent, who was a law, as per Section 4(4) of Maintenance of Welfare of Parents and Senior Citizens, act 2007. Therefore, she gave a complaint to the respondents 1 and 2 and based on the complaint,



the second respondent called the third respondent for enquiry. The third respondent has given a written undertaking to pay maintenance of a sum of Rs.4,000/- per month to the petitioner and also to deposit a sum of Rs.5,00,000/- in the month of December, 2016 and another sum of Rs.5,00,000/- in the month of December, 2017 for the medical expenses and maintenance of the petitioner.

4. It is further submitted that the third respondent has paid maintenance only for three months, but, subsequently, she has failed to pay the maintenance. So, the petitioner has come up before this Court, with this petition.

5. The learned Government Advocate, on instructions, would submit that under the Maintenance of Welfare of Parent and Senior Citizens Act, 2007, the first respondent has to conduct enquiry and pass orders. The second respondent has already conducted the enquiry and it was closed.

6. In view of the above submission, the petitioner is permitted to give a fresh representation to the first respondent, within a period of one week from the date of receipt of a copy of this order. On such receipt, the first respondent shall pass orders on merits and in accordance with law, after providing opportunity to the necessary parties, as expeditiously as possible.

7. Accordingly, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No Costs.

Sd/-

Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

1.The District Social Welfare Officer, Theni District.

2.The Inspector of Police,  
Uthamapalayam Police Station,  
Uthamapalayam, Theni District.

3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+One cc to Mr.H.Velavadas, Advocate, SR.No.72414

+One cc to The special Government Pleader, SR.No.72471

PJL

RL/6C/2P/SKS/RR/14.12.2016

W.P(MD) No.22567 of 2016