



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P (MD) No.23209 of 2017

WEB COPY

Bazeer Mohamed

... Petitioner

Vs.

1. The Revenue Divisional Officer /
The Sub Collector,
Pudukkottai,
Pudukkottai District.

2. Beer Mohamed

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to enforce the maintenance order passed by his proceedings in Na.Ka.No.48/243/2011 dated 25.09.2012.

For Petitioner

: Mr.R.Jegadeeswaran

For R-1

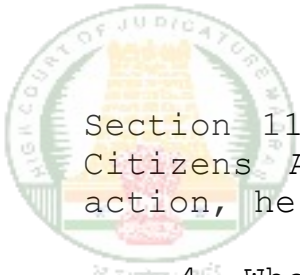
: Mr.T.S.Mohamed Mohideen,
Additional Government Pleader

ORDER

By consent, the writ petition is taken up for final disposal at the stage of admission itself.

2. Mr.T.S.Mohamed Mohideen, learned Additional Government Pleader, takes notice for the first respondent. Notice to the second respondent is dispensed with, as opportunity of hearing will be provided, by the authorities concerned, at the time of hearing.

3. Alleging that the second respondent, who is the son of the petitioner, having utilized his earnings, is not taking care of his father/the petitioner, a complaint was lodged before the first respondent, under Section 9 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and the first respondent, after a detailed and elaborate enquiry, by order dated 25.09.2012, directed the second respondent to pay a sum of Rs.1000/- per month, towards maintenance of his father. It is the grievance of the petitioner that the second respondent, instead of paying the amount, has filed a revision, which was also dismissed. Even thereafter, the second respondent has not taken any steps to pay the maintenance amount, as directed by the first respondent. Therefore, the petitioner has submitted a representation dated 20.11.2017, seeking enforcement of the maintenance order, under



Section 11 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. As the same is kept pending, without any action, he is before this Court.

4. When the matter is taken up for hearing today, the learned Counsel for the petitioner submitted that it would suffice, if his representation dated 20.11.2017, is disposed of by the first respondent, in the light of Section 11 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, for which, the learned Additional Government Pleader has no serious objections.

5. Considering the facts and circumstances of the case and also the limited scope of the relief sought for, this Court, without expressing any opinion on the merits of the matter, directs the first respondent to consider the representation of the petitioner dated 20.11.2017 and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner and the second respondent as well as all the other interested parties, if any, within a period of four weeks from the date of receipt of a copy of this order, keeping in mind Section 11 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To:

The Revenue Divisional Officer/
The Sub Collector,
Pudukkottai,
Pudukkottai District.

+1cc to Mr.R.Jegadeeswaran, Advocate Sr.No.93952
+1cc to Spl.Government Pleader Sr.No.93742

GK

VB/JC/SAR2/05/01/2018/2P/4C

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