



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE V. PARTHIBAN

W.P. (MD) No.18094 of 2018

and

W.M.P. (MD) No.15984 of 2018

1.Arumugasamy
2.Panneerselvi
3.Pavithiran
4.Sindhu

... Petitioners

vs.

1.The Proceedings Officer of Maintenance Tribunal
Under the Maintenance and Welfare of Parents and
Senior Citizens Act, 2007/
The Sub Collector,
Palani Sub Division,
Dindigul District.

2.A.K.Ramasamy

3.Mrs.Papathi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorari to call for the records pertaining to the impugned order passed by the first respondent in Na.Ka.No.1064/2018/A7, dated 19.06.2018 and quash the same as illegal.

For Petitioners : Mr.J.Lawrance

For Respondents : Mr.M.Jeyakumar

Additional Government Pleader
for R.1

O R D E R

The present Writ Petition has filed by the petitioners against the orders passed by the first respondent negating the claim made by the petitioners.

2. In the impugned order dated 19.06.2018 itself, it is mentioned clearly that against the order, an appeal would lie before the District Collector. However, without approaching the District Collector, by way of appeal, the petitioners have chosen to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

<https://hcservices.ecourts.gov.in/hcservices/>

3. This Court has already held that once an effective



alternative remedy is available under the relevant statute, the same has to be exhausted before invoking the extraordinary jurisdiction of this Court. Without exhausting such remedy, it is not open to the petitioners to approach this Court directly. When alternative remedy is available, it is incumbent on the part of the petitioners to approach the appellate authority, before approaching this Court.

4. Since in the impugned order itself it is mentioned clearly that the appeal would lie before the District Collector, this Court is of the considered view that the present Writ Petition is not maintainable. Therefore, the same is dismissed. No costs. Consequently, the connected Miscellaneous Petition is also dismissed. It is also open to the petitioners to approach the District Collector by way of an appeal against the impugned order, if the petitioners are so advised. It is also made clear that the period of pendency of the litigation before this Court shall stand excluded for the purpose of limitation and in case any appeal is filed, the same shall be entertained by the District Collector. The petitioners are also directed to file an appeal as expeditiously as possible, but not later than a week from today.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

The Proceedings Officer of Maintenance Tribunal
Under the Maintenance and Welfare of Parents and
Senior Citizens Act, 2007/
The Sub Collector,
Palani Sub Division,
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SSL

DS/SKN/RSK/SAR-4 :20.08.2018: 2P/2C

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