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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2019

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 5911 of 2019

S. Sundari Ammal

... Petitioner

-vs-

1. The District Collector,
O/o. The Collectorate,
Jakkampettai,
Tindivanam 604 001,
Villupuram District.

2. The Sub Collector,
O/o. The Collectorate,
Jakkampettai,
Tindivanam 604 001.

3. Senthamizhselvi

4. Kanmani

5. Thirumavazhavan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Second Respondent herein to implement the order dated 22.11.2018 made in Na.Ka. A3/3349/2018 by the Second Respondent herein under Section 9(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, by calling upon the Respondents 3 to 5 to pay the Petitioner the amount of Rs. 2,500/- by each of the Respondents 3 to 5 into the Petitioner's account No. 32671036196 in Indian Bank, Tindivanam from the date of Petition i.e., 24.10.2018 till date and after that continuously.



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For Petitioner : Mr. R. Agilesh

For Respondents: Mr. R. Venkatesh,
Government Advocate (for R1 & R2)

Mr. S. Ponjegadeesan (for R3 to R5)

O R D E R

Heard Mr. R. Agilesh, Learned Counsel for the Petitioner, Mr. R. Venkatesh, Learned Government Advocate appearing on behalf of the First and Second Respondents and Mr. S. Ponjegadeesan, Learned Counsel appearing on behalf of the Third to Fifth Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, who is a senior citizen, has made an application for maintenance under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, before the Second Respondent against the Third to Fifth Respondents who are her children.

3. The Second Respondent by order Na. Ka. No. 3349/2018 dated 22.11.2018 required the Third to Fifth Respondents to pay a sum of Rs.2,500/- each to the Petitioner towards maintenance on or before Tenth day of every month into her account No. 32671036196 maintained in Indian Bank, Tindivanam Branch, but they have failed to remit the same. In that backdrop, the Petitioner has filed this Writ Petition for directing the Second Respondent to implement the aforesaid order from 24.10.2018.

4. It is informed that in pursuance of the order dated 16.08.2019 passed by this Court in this Writ Petition, the Second Respondent conducted an enquiry and required the tenants of the building under the Third to Fifth Respondents to remit the rent directly to the Petitioner as maintenance in compliance of the aforesaid order Na. Ka. No. 3349/2018 dated 22.11.2018 passed by the Second Respondent, but the same could not be implemented.

5. Learned Government Advocate appearing for the First and Second Respondents has produced an order No. Na. Ka. A3/3349/2018 dated 05.11.2019 passed by the Second Respondent by which the property belonging to the Petitioner which had been earlier transferred to the Third to Fifth Respondents by settlement deed 14.12.2009 registered as Document No. 2104/2009 in the office of the Joint Sub-Registrar, Tindivanam, has been cancelled in the exercise of powers under Section 23 of the



Maintenance and Welfare of Parents and Senior Citizens Act, 2007, so that the Petitioner would be able to maintain herself out of that property. Learned Counsel for the Petitioner and the Third to Fifth Respondents have acknowledged its receipt.

6. Recording the aforesaid subsequent events, the Writ Petition is disposed. It is made clear that it would not preclude the rights of the Petitioner, if she is still aggrieved, to work out her remedies for necessary further reliefs before the appropriate forum in the manner recognized by law. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
O/o. The Collectorate,
Jakkampettai,
Tindivanam 604 001,
Villupuram District.

2. The Sub Collector,
O/o. The Collectorate,
Jakkampettai,
Tindivanam 604 001.

+1cc to M/s.A.N.Rajan, Advocate Sr.94567
+1cc to M/s.T.Dhanasekaran, Advocate Sr.95061
+1cc to the Government Pleader Sr.95139

W.P. No. 5911 of 2019

rsi[co]
srg 07/01/2020