

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2019

CORAM

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

W.P. No. 20926 of 2019

and

W.M.P. No. 20115 of 2019

K.Raji Petitioner
-vs-

- 1.The District Collector/Appellate Authority
Villupuram District, Villupuram.
- 2.The Revenue Divisional Officer,
Villupuram.
- 3.Krishnan Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the First Respondent to dispose of the Petitioner's appeal dated 13.03.2019 filed under Section 16 (1) of the Act 56 of 2007, Maintenance and Welfare of Parents and Senior Citizen act, 2007 within a stipulated time.

For Petitioner : Mr. B. Gurunathan
For Respondents : Mr. M. Karthikeyan for R1 and R2
Additional Government Pleader

O R D E R

The Writ Petition has been filed to direct the First Respondent to dispose the appeal dated 13.03.2019 filed by the Petitioner under Section 16(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, within a stipulated time.

2. Mr. M. Karthikeyan, Learned Additional Government Pleader, who takes notice for the First and Second Respondents, submits that it is only senior citizens or parents, who can prefer an appeal under Section 16 of the Maintenance and Welfare of Parents Senior Citizens Act, 2007, and inasmuch as the Petitioner is not the parent or

senior citizen in this case, his appeal said to have been preferred, cannot be entertained.

3. In response aforesaid contention, the Learned Counsel for the Petitioner relies on the decision of the High Court of Punjab and Haryana in Paramjit Kumar Saraoya -vs- Union of India [CDJ 2014 PHC 382], in which Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, has been read down to mean that an appeal could be filed by any person aggrieved even if he is not senior citizen or parent.

4. When it is pointed out that such relief for reading down the statutory provisions has not been made in this Writ Petition, Learned Counsel for the Petitioner seeks permission of this Court to withdraw this Writ Petition with liberty to file fresh Writ Petition seeking comprehensive reliefs in this regard.

5. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. Consequently, the connected Miscellaneous Petition is also closed. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

vji/ebsi

To

1.The District Collector/Appellate Authority
Villupuram District, Villupuram.

2.The Revenue Divisional Officer,
Villupuram.

+1cc to Mr.B.Gurunathan , Advocate SR.No. 62480

W.P. No. 20926 of 2019

bs (CO)

A.SK(21/08/2019)