

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2019

CORAM

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

W.P. No. 31961 of 2019  
and  
W.M.P. No. 32214 of 2019

R. Vaidyanathan ... Petitioner

Vs.

1. The Revenue Divisional Officer cum  
Administrative Magistrate  
Hosur, Krishnagiri District.
2. Tmt. Lakshmi
3. Tmt. V. Uma Maheswari
4. V. Sivakumar ... Respondents

Petition filed under Article 226 of the Constitution of India, for issue of Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the First Respondent in Mu.Mu. 2720/2018/A1 dated 10.5.2019, quash the same and consequently, direct the 1<sup>st</sup> Respondent to enhance the maintenance amount which was directed to be paid by Respondents 2 and 3 from Rs.2,500/- to Rs. 5,000/- each to the Petitioner as monthly maintenance and further enhance the maintenance amount which was directed to be paid by the Fourth Respondent from Rs. 5,000/- to Rs. 10,000/- as monthly maintenance.

For Petitioner : Mr. K. Venkatesan

For R1 : Mr. M. Karthikeyan  
Additional Government Pleader

O R D E R

The Second and Third Respondents are the daughters and the Fourth Respondent is the son of the Petitioner, who is a Senior Citizen. The Petitioner had made an application under Sections 4 read with 23 of the Maintenance and Welfare of Parents and Senior Citizen Welfare Act, 2007 (hereinafter referred to as the 'Act' for short), before the First Respondent against Second to Fourth Respondents claiming maintenance from them and for

cancellation of Gift Deeds executed by him in their favour, complaining they were not maintaining him, to meet his needs to lead a normal life. The First Respondent by an order in Mu.Mu.2720/2018/A1, dated 10.05.2019, awarded a sum of Rs.2,500/- each payable by the Second and Third Respondents and a sum of Rs.5,000/- payable by the Fourth Respondent to the Petitioner and disposed that application.

2. The present Writ Petition has been filed, challenging that order, claiming enhancement of maintenance and for considering his claim over cancellation of Gift Deeds in favour of the Second to Fourth Respondents, in respect of which the First Respondents did not grant any relief.

3. Mr. M. Karthikeyan, Learned Additional Government Pleader, who takes notice for the First Respondent, on instructions, states that the Petitioner has got an effective and alternative remedy under Section 16 of the Act, by way of filing an appeal before the Appellate Tribunal, to pursue the claim made by the Petitioner in this Writ Petition.

4. In view of the same, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to resort the aforesaid remedy and he has made an endorsement to that effect, which is recorded.

5. Accordingly, the Writ Petition is dismissed as withdrawn by granting such liberty. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

सत्यमेव जयते  
Sub Assistant Registrar

To

The Revenue Divisional Officer cum  
Administrative Magistrate  
Hosur, Krishnagiri District.

+1cc to Mr.K.Venkatesan, Advocate Sr.94713  
+1cc to the Government Pleader Sr.95559

W.P. No. 31961 of 2019

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srg 25/11/2019