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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.NO.18943 OF 2014

T.S.Sridharan

... Petitioner

Versus

The Sub Divisional Magistrate & District
Backward Classes and Minorities Welfare Officer,
Maintenance Tribunal for Senior Citizens
Singaravelar Maligai,
Collectorate, Chennai - I

... Respondent

PRAYER:-

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus to direct the respondent to dispose of the petitioner's complaint dated 26.07.2013 within a stipulated period.

For Petitioner : Mr.Su.Srinivasan

For Respondent : Mr.Stalin Abimanyu
Government Advocate

ORDER

The relief sought for in this Writ Petition is to direct the respondent to dispose of the petitioner's complaint dated 26.07.2013 within a stipulated period.

2. According to the petitioner, he is a senior citizen aged 75 years and a retired employee of Canara Bank drawing Rs.15,000/- as monthly pension. He married one Latha on 31.12.1965 and out of their wedlock, two daughters and one son were born to them. The 2nd daughter got settled in USA and his son Viayan resides in Canada. The petitioner's wife also got US citizenship and is living in US along with her 2nd daughter. According to the petitioner's, his wife wanted to settle his self acquired property in favour of her, which was declined by



the petitioner. Thereafter, she had instigated her daughters and son and with their collusion, she had filed a suit in O.S.No.7902 of 1998 on the file of the 3rd Addl. City Civil Court, Chennai for partition of the self acquired property of the petitioner, which ended in compromise. Now, the petitioner's only source of livelihood is pension and he is unable to maintain himself with this small amount as he is having several health complications. Even though his elder daughter resides in the ground floor of the premises, she is not taking care of him and even food is not given to the petitioner. Therefore the petitioner approached the respondent for maintenance under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 seeking maintenance of Rs.30,000/- per month as the petitioner does not have any source of income other than pension of Rs.15,000/-. However, till today, no order has been passed. Thus left with no other alternative, the petitioner has filed the present writ petition for issuing appropriate direction to the respondent.

3. Refuting the averments contained in the writ petition, the respondent filed a counter stating that the petitioner, a retired government servant, is getting pension of Rs.15,000/- per month and having immovable property and residing in his own house. Further, the respondent is not empowered to sanction maintenance to the person who is getting monthly pension of Rs.15,000/-, therefore, the respondent rejected the petition of the petitioner vide Lr.No.(Y6/25783/2013), dated 17.4.2014 of the respondent. However inspite of such rejection, the petitioner has filed the present writ petition seeking to dispose of his application dated 26.7.2013. In the counter affidavit, in paragraph 21, sub para 'g' it is stated as follows;

'g) It is submitted that the tribunal has disposed the petition and inform the fact vide Lr.No:Y1/257 83/2014 dated 23.7.2014 of the respondent in accordance with Tamil Nadu Maintenance and Welfare of Parents and Senior Citizen and Rules 2009. As such the contention of petitioner deliberately saying that no relief is granted is not acceptable and contrary to the facts.'

4. It is apparent from the counter affidavit filed by the respondent that the petitioner's application has already been rejected. In such view of the matter, the question of issuing a Mandamus to the respondent to consider the representation of the petitioner does not arise. Therefore, in the light of the averments in the counter affidavit of the respondent, this court is of the opinion that nothing further survives for adjudication in this writ petition. Hence this writ petition stands dismissed



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as having become infructuous. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

msr/rsh

To

The Sub Divisional Magistrate & District
Backward Classes and Minorities Welfare Officer,
Maintenance Tribunal for Senior Citizens
Singaravelar Maligai,
Collectorate, Chennai - I.

+1cc to the Government Pleader, S.R.No.34658

W.P.NO.18943 OF 2014

PMK (CO)
CT/01/09/2021