



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.12502 of 2021

and

W.M.P. (MD) .No.9796 of 2021

Periyasamy

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Sivagangai, Sivagangai District.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Devakottai, Sivagangai District.

3.Valliyammal

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, to call for the records connected with the impugned proceedings in Na.Ka.Aa.1/8766/2020, dated 16.11.2020, on the file of the second respondent and quash the same as illegal, consequently to direct the second respondent to not to interfere into the civil dispute on the basis of the enquiry under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, by considering the objection filed by the petitioner dated 16.12.2020 in accordance with law within time stipulated by this Court.

For Petitioner

: Mr.C.Ezhilarasu

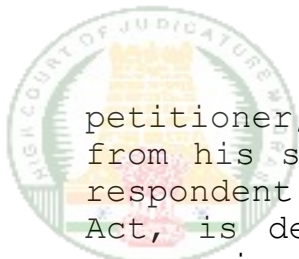
For R1 & R2

: Mr.M.Lingadurai,
Government Advocate

ORDER

This Writ Petition has been filed to restrain the second respondent not to proceed further with the enquiry that has been initiated under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, (herein after referred as 'the Act') by the third respondent, who is the mother of the petitioner.

2.The third respondent has filed an application before the second respondent presumably under the Act. According to the



petitioner, he has attended the enquiry and has given the statements from his side. The grievance of the petitioner is that the second respondent instead of confining the enquiry within the scope of the Act, is dealing with the proceedings like a Civil Court and also pressurised the petitioner to hand over the documents, which are beyond the scope of the Act. Therefore, the present writ petition has been filed before this Court, seeking for appropriate directions.

3. Heard Mr.C.Ezhilarasu, the learned counsel for the petitioner and Mr.M.Lingadurai, learned Government Advocate appearing for the respondents 1 and 2.

4. In the considered view of this Court, the second respondent has been vested with the power to deal with the application filed under the Act. According to the petitioner, he has already given the statement before the second respondent and the second respondent is conducting the enquiry from the year 2020 onwards. The grievance of the petitioner is that the second respondent is acting beyond the scope of the Act and giving directions without jurisdiction.

5. In the considered view of this Court, there is no requirement to interfere with the proceedings of the second respondent at this stage. It is enough if it is clarified that the second respondent will conduct the proceedings within the scope of the Act and will not traverse beyond it. The second respondent shall keep this clarification in mind and shall pass final orders in the proceedings within a period of four weeks from the date of receipt of a copy of this order.

6. The petitioner is directed to make a fresh representation to the second respondent along with all relevant documents and also a copy of this order.

7. This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant



To

1.The District Collector,
Office of the District Collector,
Sivagangai, Sivagangai District.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Devakottai, Sivagangai District.

+1 CC to M/s.SPL GP (SR-24045[F] dated 27/07/2021)

Order made in
W.P. (MD) .No.12502 of 2021

Dated :
26.07.2021

MGJ(02.08.2021) 3P 4C