



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.21108 of 2021

and

W.M.P(MD) No.17700 of 2021

WEB COPY

B.Gokila

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Karur District,
Karur.

2.Amaravathi

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorari calling for the records relating to the impugned notice in Na.Ka.Aal/3169/2021, dated 31.08.2021 issued by the first respondent and quash the same as without jurisdiction.

For Petitioner	: Mr.AN.Ramanathan
For 1st Respondent	: Mr.J.John Rajadurai Government Advocate

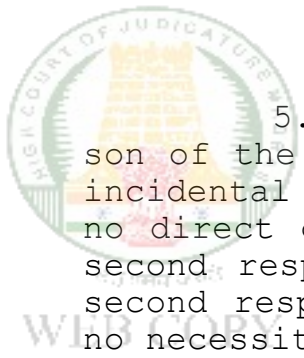
O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.The second respondent, to whom notice was not directed by this Court, had executed a settlement deed on 28.07.2016, which has been registered as document No.1260/2016 in the Sub Registrar Joint-I, Karur, in favour of the late husband of the petitioner herein, who was the son of the second respondent. Unfortunately, he is now dead. The property has naturally devolved on to the petitioner and she has also two daughters. The second respondent, had invoked the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, before the first respondent, who had directed a notice to be issued to the petitioner herein to appear on 08.09.2021 at 11.00 a.m.

3. I am informed that the petitioner had given a letter expressing inconvenience to attend the said enquiry and I am further informed by Mr.AN.Ramanathan, learned counsel for the petitioner that the enquiry has been postponed.

4.The main ground in which the writ petition has been filed is that the Act can be invoked only against the beneficiary to the said document or to the transferee.



5. Here, the learned counsel states that the transferee/son of the second respondent had died and the petitioner is only an incidental beneficiary owing to that unfortunate event and there is no direct obligation on the part of the petitioner to maintain the second respondent. Even otherwise it is also contended that the second respondent is capable of looking after herself and there is no necessity of special provisions being made to maintain her.

6. I would rather give liberty to the petitioner herein to raise this aspect, particularly, whether the provisions of the Act can be invoked as against the petitioner on the facts stated herein and let the first respondent address that particular issue first and thereafter, proceed further in accordance with or in the manner known to law. The petitioner may, therefore answer to the notice issued and participate in the enquiry but as stated, call upon the concerned authority / first respondent to examine whether the provision of the Act can be invoked against the petitioner since she is not a direct transferee under the document referred supra.

7. Giving that liberty to the petitioner but at any rate, urging that the petitioner should participate in the enquiry to her own advantage, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 concerned.

To

The Revenue Divisional Officer,
Karur District, Karur.

+1 CC to M/s.AN. RAMANATHAN, Advocate (SR-36164[F] dated 26/11/2021)

+1 CC to M/s.SPL GP (SR-36265[F] dated 29/11/2021)

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PS (CO)

GC(08.12.2021) 2P 4C