



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2022
CORAM

WEB COPY

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.8424 of 2022
and
WMP.No.8371 of 2022

P.Lakshmi

...Petitioner

Vs

1.The Revenue Divisional Officer,
O/o. the Revenue Divisional Officer,
Kallakurichi Town & Taluk,
Kallakurichi District.

2.D.Periyasamy

3.P.Ranjithkumar

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for entire records connected with the Summon in Na.Ka.No.A6/1566/2021 dated 21.03.2022 on the file of the 1st Respondent and quash the same as illegal and ultravires.

For Petitioner : Mr.G.Balamanikandan
For Respondents : Mr.TNC.Kaushik (for R1)
Additional Government Pleader

O R D E R

Mr.TNC.Kaushik, learned Additional Government Pleader accepts notice for R1 and has sufficient instructions for final disposal of this matter even at this juncture. Hence by consent of both the learned counsel for the petitioner as well as the learned Additional Government Pleader, the main writ petition is taken up for final disposal even at the stage of admission. In light of order proposed to be passed, no notice is thought necessary to R2 and R3.

2.The petitioner is aged 57 years and is the wife of the R2, who has filed an application before R1 i.e., Revenue Divisional Officer, Kallakurichi Town and Taluk, Kallakurichi District, in terms of the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (in short 'Act'). The application filed by R2 prays for relief as against his wife, the petitioner herein, as well as his son, who has



arrayed as R3 in this writ petition. The application is dated 21.06.2021 and a summon has been issued posting the matter on 21.03.2022.

3. Incidentally, this by itself, constitutes a gross violation of the time lines under the statute, and the delay on the part of R1 in addressing the complaint, is deprecated. That apart, the challenge in this writ petition is by the wife of the applicant, who would assail the summon on the ground that the application is not maintainable in terms of the Act, specifically Section 4 thereof.

4. Since Mr. Kaushik would appraise the Court that the hearing on 21.03.2022 is now to continue on the 8th of April, 2022, this Court is not inclined to intervene at this juncture, seeing as the authority is seized of the matter. I merely direct the first respondent to consider the legal issue raised by the petitioner on the maintainability of the application qua, as a preliminary issue before proceeding to hear the matter on merits if at all.

5. It is made clear that the application of R2 qua R3, that is the son of the applicant, shall proceed unhindered by this order and disposed expeditiously and in accordance with law.

6. This writ petition stands disposed as above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS)

//True Copy//

vs/ska

Sub Assistant Registrar

To

The Revenue Divisional Officer,
O/o. the Revenue Divisional Officer,
Kallakurichi Town & Taluk,
Kallakurichi District.

+1cc to Mr. G. Balamanikandan, Advocate Sr. NO. 23537

+1cc to the Government Pleader, S.R.No. 24295

[09/06/2022]

W.P.No. 8424 of 2022
and
WMP.No. 8371 of 2022

rp (CO)
A.SK (11/04/2022)