



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.10845 of 2022

T.Thirumalai @ Ponnammal

... Petitioner

Vs

1.The District Collector,  
Tenkasi District, Tenkasi.

2.D.Gopinath

3.Selvam

4.T.Ponnudurai

5.Manickavel Raja

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to consider the petitioner's representation, dated 23.04.2022 and to direct the first respondent to cancel the registrations pertaining to property in Survey No.786/1A and take necessary actions on the petitioner's complaint and to relief under Rules 20 and 21 of the Tamilnadu Welfare of Parents and Senior Citizen Act, 2007.

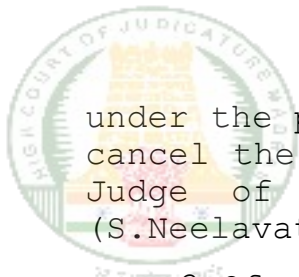
For Petitioner : Mr.J.Sivakumar

For Respondents : Mr.K.Balasubramani  
Special Government Pleader for R.1

**ORDER**

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the first respondent.

2. The case of the petitioner is that her son induced her to execute a relinquishment deed in the year 2007. The petitioner would further allege that her son had failed to maintain her. Therefore, she wants action to be taken under the relevant provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The said Act came into force only on 29.09.2008 and published on 31.12.2007. Obviously, the document in question was executed before the Act came into force. Therefore,



under the provisions of this Act, it is not open to the authority to cancel the said document. That is the ratio laid down by a learned Judge of this Court in W.P.No.3888 of 2018 dated 09.07.2018 (S.Neelavathi v. District Magistrate).

3.Of course, there is merit in the petitioner's contention that her son is obliged to maintain her. But then, she has to file a proper application under Section 5 of the Act before the Maintenance Tribunal constituted under Section 7 of the Act. In this case, the Maintenance Tribunal has not been made as a party. The petitioner has shown only the District Collector as the first respondent. Therefore, no relief can be granted in this writ petition. I however make it clear that as and when the petitioner files a petition for maintenance before the Maintenance Tribunal, the same shall be taken up and disposed of after notice to the petitioner's children within a period of two months thereafter.

4.With this direction to the jurisdictional Maintenance Tribunal the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

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To

The District Collector,  
Tenkasi District,  
Tenkasi.

+1 CC to M/s.SPL.GP ( SR-24862[F] dated 09/06/2022 )

**W.P. (MD)No.10845 of 2022**

**07.06.2022**

SS(28/06/2022) 2P 3C