



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.11934 to 11936 of 2022 and
W.M.P.(MD)Nos.8489 to 8491 of 2022

Aneesathul Jalees	... Petitioner
	in W.P.(MD)No.11934 of 2022
Mydeen Fathima	... Petitioner
	in W.P.(MD)No.11935 of 2022
Rameesa Begam	... Petitioner
	in W.P.(MD)No.11936 of 2022

Vs.

1. The Revenue Divisional Officer,
(The Presiding Officer,
Maintenance Tribunal under the Maintenance
and Welfare of Parents and Senior Citizens Act)
Tenkasi Revenue Division,
Tenkasi,
Tenkasi District.
2. The District Registrar,
Tenkasi Registration Department,
Tenkasi,
Tenkasi District.
3. The Sub Registrar,
Puliyangudi Sub-Registrar Office,
Puliyangudi,
Tenkasi District.
4. S.Pheer Mohamed



5. Syed Sahul Hameed
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... Respondents
in all W.Ps.

Common Prayer: Writ petitions filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to take cognizance of the fourth respondent, a senior citizen to be maintained free from any coercion, duress and fraud in the clutches of the fifth respondent in the light of the contemplated provisions of Section 23(1) and (2) of The Maintenance and Welfare of the Parents and Senior Citizens Act 2007, as per the representation dated 18.04.2022 given to the first respondent.

(in all W.Ps.)

For Petitioner : Mr.F.X.Eugene

For R-1 to R-3 : Mr.J.K.Jayaseelan,
Government Advocate.

For R-4 & R-5 : Mr.R.Santhanam

* * *

COMMON ORDER

Heard the learned counsel appearing for the petitioners and the learned Government Advocate appearing for respondents 1 to 3 and the learned counsel appearing for respondents 4 and 5.



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2. The writ petitioners are the daughters of the fourth respondent. They allege that the fourth respondent is under the clutches of the fifth respondent who is their brother and that the fifth respondent had managed to obtain a settlement deed from the fourth respondent. They also allege that the fourth respondent is not being maintained by the fifth respondent. In this regard, they have given a complaint before the first respondent. When an allegation that the senior citizen has been compelled to part with the property and that he is not being maintained has been made, the Maintenance Tribunal is obliged to enquire into the same. The prayer in the writ petition is that the first respondent should take action on the petition mentioned complaint.

3. No exception can be taken to the said request. The first respondent is directed to enquire into the petition mentioned complaint and take action on merits and in accordance with law. The first respondent will depute some staff to personally confirm if the allegations made by the petitioners are true. The first respondent can also have an



interaction with the fourth respondent through Whatsapp or video call. The fifth respondent of course has to be heard since he is a necessary party. After due enquiry, final order shall be passed on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. I make it clear that all the other rights and remedies of the parties are left open. These writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

22.08.2022

Index : Yes / No

Internet : Yes/ No

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W.P.(MD)NO.11934 OF 2022

G.R.SWAMINATHAN,J.

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