



W.P(MD)No.17825 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17825 of 2022

and

W.M.P.(MD)Nos.13008 & 13011 of 2022

M.Ganesan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Tiruchendur,
Thoothukudi District.

2.Guruvammal

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned proceedings issued by the first respondent in his proceedings in Na.Ka.A3/6584/2021, dated 14.02.2022 and quash the same as illegal.

For Petitioner : Mr.T.A.Ebenezer

For R1 : Mr.M.Prakash
Additional Government Pleader



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ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for R1.

2. The second respondent is none other than the mother of the writ petitioner. The second respondent has executed a settlement deed in favour of the writ petitioner. She now wants to cancel the same. She has moved the maintenance tribunal. The maintenance tribunal issued the impugned notice. The same is put to challenge in this writ petition.

3. It is well settled that this Court will be reluctant to interfere at the notice stage. The petitioner has to show that the notice has been tainted by malafide or it has been issued with a predetermined mind or it is without jurisdiction. None of such circumstances are present in this case. The petitioner has to necessarily establish his defence before the maintenance tribunal. The petitioner's counsel submits that he is a temple staff and that he cannot attend the hearings indefinitely.

3. I find merit in the grievance expressed by the petitioner. The petitioner shall appear before the first respondent on 22.08.2022 at 04.00 pm. It is open



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to the first respondent to make the petitioner to attend for one more hearing for examination. On all other occasion, the petitioner can be represented by his counsel. The first respondent shall pass final order within a period of six weeks from the date of receipt of a copy of this order. I make it clear that I have not gone into the merits of the matter. It is open to the first respondent to pass order one way or other.

4. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

08.08.2022

Index : Yes / No
Internet : Yes/ No
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To

The Revenue Divisional Officer,
Tiruchendur,
Thoothukudi District.



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G.R.SWAMINATHAN, J.

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