



W.P(MD)No.17853 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17853 of 2022

Krishnakumar

... Petitioner

Vs.

1.The District Collector,
Madurai,
Madurai District.

2.Vijayalakshmi

3.Jothi

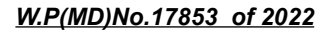
... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent to expedite the proceedings in the Appeal petition No. 42553 of 2021 against M.M.No. 2846/2019A2 on the file of the District Collector office, Madurai district, within the time stipulated by this Court.

For Petitioner : Mrs.A.Banumathy

For R1 : Mr.M.Prakash

Additional Government Pleader



Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for R1 & R2.

2. The second respondent is the mother of the petitioner. She executed a settlement deed dated 08.10.2018. Seeking its cancellation, she moved the maintenance tribunal. The maintenance tribunal by order dated 25.06.2021 cancelled the settlement deed. Aggrieved by the same, the petitioner has filed an appeal before the District Collector. Seeking its expeditious disposal, this writ petition has been filed.

3. The Hon'ble Division Bench of the Madras High Court in the decision reported in ***(2021) 2 CTC 129 (K.Raju Vs. Union of India)*** had held that under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, it is only a senior citizen or a parent who can maintain an appeal before the District Collector. The Hon'ble first Bench has disagreed with the view taken by the Hon'ble Punjab and Haryana High Court. Therefore, the appeal before the District Collector is not maintainable. The question of directing the first respondent to dispose of the said appeal does not arise at all. I make it clear that it is open to the petitioner to question the order passed by the maintenance tribunal in the manner known to law.



W.P(MD)No.17853 of 2022

WEB COPY

4. The Writ Petition is dismissed. No costs.

10.08.2022

Index : Yes / No
Internet : Yes/ No
rmi

To

The District Collector,
Madurai,
Madurai District.



WEB COPY



W.P(MD)No.17853 of 2022

G.R.SWAMINATHAN, J.

rmi

W.P(MD)No.17853 of 2022

10.08.2022