



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.26385 of 2022

A.Basheer Mohamed

.. Petitioner

Vs.

1.The Revenue Divisional Officer /Sub Collector,
Pudukkottai, Pudukkottai District.

2.The Deputy Superintendent of Police,
Pudukkottai District, Pudukkottai.

3.Beer Mohamed

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents 1 and 2 to implement the order passed by the first respondent in Na.Ka.No.A6/243/2011, dated 28.02.2018 on the basis of the petitioner's representation dated 03.06.2022.

For Petitioner	: Mr.C.Arul Vadivel @ Sekar
For R1	: Mr.A.Kannan Additional Government Pleader
For R2	: Mr.B.Thanga Aravingh Government Advocate (Crl.Side)

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents to implement the order passed by the first respondent



in Na.Ka.No.A6/243/2011, dated 28.02.2018 on the basis of the petitioner's representation, dated 03.06.2022.

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2.Heard Mr.C.Arul Vadivel @ Sekar, learned counsel for the petitioner and Mr.A.Kannan, learned Additional Government Pleader, who takes notice for the first respondent and Mr.B.Thanga Aravingh, learned Government Advocate (CrI.Side), who takes notice for the second respondent. Considering the nature of order proposed to be passed in this writ petition, notice to the third respondent is dispensed with. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3.The grievance of the petitioner is that the maintenance amount as ordered to be paid to the petitioner by the third respondent, has not been paid by the third respondent.

4. The learned counsel for the petitioner submitted that the petitioner is the father of the third respondent. The third respondent failed to maintain the petitioner. Hence, the petitioner filed a petition under Section 9 of the Maintenance of Parents and Senior Citizenship Act, 2007. The first respondent after conducting a detailed enquiry directed the third respondent to pay a sum of Rs.1,000/- per month to the petitioner as maintenance. Since the third respondent failed to pay the same, the petitioner filed W.P.(MD)No.



23209 of 2017, in which this Court directed the first respondent therein to consider the representation filed by the petitioner and pass appropriate orders.

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Based on the said direction, the first respondent by order, dated 28.02.2018, directed the third respondent to pay a sum of Rs.72,500/- to the petitioner towards the arrears amount and it was further directed that if the third respondent failed to comply with the said order, criminal proceedings will also be initiated. Even, then the third respondent did not come forward to pay the maintenance amount to his father/petitioner herein. Hence, the petitioner has filed the present petition.

5.The learned Additional Government Pleader appearing for the first respondent submitted that as on date the arrear amount comes around Rs.1,36,500/-.

6. Considering the facts and circumstances of the case and also considering the age of the petitioner, this Court directs the third respondent to pay the arrear amount of Rs.1,36,500/- to the petitioner within a period of eight weeks from the date of receipt of a copy of this order and to pay the monthly maintenance of Rs.1,000/- per month to the petitioner on or before the 5th day of every English calendar month, failing which necessary criminal proceedings will be initiated against the third respondent. If the third respondent failed to pay the arrears due within the time stipulated by this



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Court, the second respondent shall recover the same by initiating proceedings under the provisions of the Revenue Recovery Act.

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7. With the above direction this Writ Petition is disposed of. There shall be no order as to costs.

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Index : Yes/No
Internet : Yes/No
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To

1. The Revenue Divisional Officer /Sub Collector,
Pudukkottai, Pudukkottai District.
2. The Deputy Superintendent of Police,
Pudukkottai District, Pudukkottai.



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V.BHAVANI SUBBAROYAN, J.

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Order made in
W.P.(MD) No.26385 of 2022

23.11.2022