



W.P.No.2555 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.2555 of 2022
and
W.M.P.No.2685 of 2022**

Y.Vijayalakshmi Priya

... Petitioner

Vs.

1.The District Magistrate-cum-
District Collector,
Chennai District,
Singaravelan Maligai,
Chennai 600 001.

2.The Sub Divisional Magistrate-cum-
Revenue Divisional Officer,
North Chennai,
T.H.Road,
Tondiarpet,
Chennai 600 081.

3.A.Pooswamy

4.Kodainayagi

... Respondents



W.P.No.2555 of 2023

WEB COPY

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records in respect of the Proceedings dated 25.11.2021 under Reference No.Na.Ka.No.3471/A1/2021 issued by the first respondent and quash the same.

For Petitioner : Mr.K.N.Nataraj

For Respondents : Mr.K.MD.Muhilan,
Additional Government Pleader
for R1 and R2

Ms.Adhilakshmi Logamurthy,
for R3 and R4

ORDER

This petition has been filed seeking to quash the Proceedings dated 25.11.2021 issued by the first respondent.

2. It is the case of the petitioner that she is a widow of A.P.Baskar, who was working as Assistant Engineer in a Government Department and died in harness on 30.03.2014, leaving behind his mother, minor daughter including the petitioner as legal heirs. The third respondent herein is father



W.P.No.2555 of 2023

WEB COPY

in law of the petitioner and father of the deceased Baskar. The Motor Accidents Claims Tribunal awarded a sum of Rs.74,81,500/- as compensation to the legal heirs of the deceased. Out of which, the petitioner was paid a sum of Rs.24,81,500/- and his daughter was paid a sum of Rs.45,00,000/-and the wife of the third respondent and third respondent was paid a sum of Rs.2,50,000/- each. The third respondent was allotted a plot bearing No.1714, 10/150, Kamarajar Street, GKM Colony Jawahar Nagar, Chennai which was later divided and one portion sold and the consideration was divided amongst his daughters. During the lifetime of the said Baskar, the third respondent settled the aforesaid immovable property vide settlement deed dated 16.11.2009. To cancel the aforesaid settlement in favour of the deceased Baskar, the third respondent filed a suit in O.S.No.4113 of 2018 before the VII Additional Judge, City Civil Court, Chennai and the same was withdrew by the third respondent. Thereafter, the third respondent made a complaint before the second respondent under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 specifically seeking to cancel the settlement deed dated 16.11.2009 which



W.P.No.2555 of 2023

WEB COPY

was registered earlier as document No3855 of 2009 on the file of the SRO, Anna Nagar and the same was disposed of by an order dated 25.08.2021 holding that the third respondent did not make out a case. Aggrieved over the same, the third respondent preferred an appeal before the first respondent against the proceedings of the second respondent herein. After enquiry, the first respondent passed an order in proceedings bearing Na.Ka.No.3471/A1/2021 dated 25.11.2021 directing the petitioner herein to pay 50% of the amount received by her and also continue to pay a sum of Rs.15,000/- as a maintenance to the third respondent and his wife. Challenging the same, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that admittedly, the third respondent made a complaint before the second respondent for cancellation of the settlement deed and the same was rejected. However, the impugned order passed by the first respondent is in violation of Section 23(1) of the Act. The third respondent has enough income from the immovable properties to take care of him and his wife. The petitioner has a



W.P.No.2555 of 2023

minor daughter, she has to maintain her daughter and herself. Therefore, the first respondent has passed an order directing to pay the 50% of the terminal benefits to the third respondent, which is unsustainable one, this Court may interfere with the impugned order.

4. The learned counsel for the third respondent submitted that the petitioner is working as a Lecturer in Dr.Ambedkar Arts College and drawing a salary of Rs.1,02,000/- per month and the pension amount of Rs.35,000/- of late Baskar. The said facts are not stated by the petitioner. The third respondent has received a sum of Rs.19,421/- per month as pension from the Government. The petitioner has not taken care of the respondents 3 & 4, who are the in-laws and therefore, the respondents 3 & 4 have made a complaint against the petitioner. However, the order passed by the first respondent is perfectly in order, which does not need any interference as the third respondent is legally entitled for getting 50% of the benefits.



W.P.No.2555 of 2023

WEB COPY

5. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials available on record.

6. The facts of the case are not in dispute. Admittedly, the third respondent, who is the father in law of the petitioner, made a complaint before the second respondent for cancellation of settlement deed which was executed in favour of his son Baskar and the said Baskar died in the year 2014 due to the accident. As ordered by the Tribunal, the compensation was disbursed among the legal heirs. Later, a dispute arose between the family members and therefore, the matter was landed before the second respondent for cancellation of the settlement deed, which was rejected. Aggrieved over the same, the third respondent approached the first respondent. The first respondent directed the petitioner to 50% terminal benefits to the third respondent and also to pay a sum of Rs.15,000/- per month as Maintenance.

7. On perusal of the affidavit and counter affidavit, it is seen that the petitioner and the third respondent are residing in the same roof. The



W.P.No.2555 of 2023

WEB COPY

third respondent is receiving a pension for a sum of Rs.20,000/- per month and the petitioner is also working and receiving handsome salary and also she is receiving a pension of her husband. After death of her husband, the petitioner has to maintain her in-laws and she is liable to pay the maintenance to them. The third respondent and his wife are also entitled to get maintenance from the petitioner. The first respondent was directed the petitioner to pay a sum of Rs.15,000/- per month to the third respondent towards maintenance, is an exorbitant amount. Hence, this Court is inclined to interfere with the impugned order passed by the first respondent dated 25.11.2021 and accordingly, the same is set aside.

8. Considering the facts and circumstances of the case and in order to quietus the issue, this Court passes the following order:

"The petitioner is directed to pay a sum of Rs.7,000/- (Rupees Seven thousand only) per month as maintenance to the respondents 3 & 4 on or before 5th day of every English calender month."



W.P.No.2555 of 2023

WEB COPY

9. With the above directions, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is also closed.

26.04.2023

NCC: Yes / No

Index : Yes / No

Speaking Order : Yes / No

rli



W.P.No.2555 of 2023

WEB COPY

To

- 1.The District Magistrate-cum-
District Collector,
Chennai District,
Singaravelan Maligai,
Chennai 600 001.

- 2.The Sub Divisional Magistrate-cum-
Revenue Divisional Officer,
North Chennai,
T.H.Road,
Tondiarpet,
Chennai 600 081.



WEB COPY



W.P.No.2555 of 2023

M.DHANDAPANI,J.

rli

W.P.No.2555 of 2022

26.04.2023