



W.P.No.6953 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.6953 of 2023

C.R.Kabaleeswaran

.. Petitioner

Vs.

1. The Collector of Chengalpattu,
O/o Collectorate,
Chengalpattu District.

2. Sub-Collector of Chengalpattu
O/o Collectorate,
Chengalpattu District.

3. Thilagavathy

4. Vishal

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus or any other or direction in the nature of Writ, call for records in respect of the order dated 21.10.2022 vide Ref.No.Na Ksa.No.9241/2022/M1 passed by the First Respondent and quash the same by confirming the order passed by the Second Respondent same and by way of directing the Third and Fourth Respondents to pay the maintenance by order dated 24.06.2022 in Na.Ka.No.a1/218/2022.



W.P.No.6953 of 2023

For petitioner : M/s.R.Vijayaraghavan
For Respondents : Mr. E.Veda Bagath Singh,
Special Government Pleader

ORDER

This Writ Petition has been filed for quashment of the impugned order dated 21.10.2022 which came to be passed by the 1st respondent and for a direction to respondents 3 & 4 to pay the maintenance to the petitioner as per the direction of the 2nd respondent vide order dated 24.06.2022.

2. Mr. E.Veda Bagath Singh, learned Special Government Pleader takes notice for respondents 1 & 2.

3. Since no adverse order is being passed against the private respondents, notice to respondents 3 & 4 is dispensed with.

4. It is the case of the petitioner that the petitioner is a senior citizen aged about 62 years, who, had settled the subject properties in favour respondents 3 & 4 who are none other than his wife and son respectively.



W.P.No.6953 of 2023

However, the petitioner who has no source of income, is not being taken care of by respondents 3 & 4. Therefore, he filed a petition under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 before the Collector on 03.09.2021 seeking maintenance, however, the said petition was forwarded to the 2nd respondent. Upon receipt of the same, the 2nd respondent had passed an order dated 24.06.2022 directing respondents 3 & 4 to pay 50% of the rental income not less than Rs.5,000/- to the petitioner. As against the said order, appeal was preferred by respondents 3 & 4 before the 1st respondent and the same was allowed vide the present impugned order, which resulted in filing of the present petition.

5. Learned counsel for the petitioner submits that without taking into consideration the fact that the petitioner has settled all his properties in favour of respondents 3 & 4 and the petitioner having no source of income for his sustenance, the 1st respondent had passed the present impugned order which is wholly unsustainable and the same is liable to be interfered with.

6. On the above contention, this Court heard the learned Special Government Pleader appearing for respondents 1 & 2 and perused the



W.P.No.6953 of 2023

materials available on record.

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7. Though the petitioner claims that he has no source of income for his sustenance and he had settled all his properties in favour of respondents 3 & 4, however, a perusal of the impugned order reveals that he is gainfully doing business in Mumbai and he is financially stable enough to take care him. Further, it is revealed that due to some dispute between the petitioner and the 3rd respondent, they are living separately. While such being the case, the claim of the petitioner for maintenance is wholly unsustainable. Hence, the impugned order of the 1st respondent cannot be found fault with and the same needs no interference.

8. For the reasons aforesaid, this Writ Petition is devoid on merits and the same is dismissed accordingly. There shall be no order as to costs.

08.03.2023

nhs

Index : Yes / No

Internet : Yes / No



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W.P.No.6953 of 2023

To

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W.P.No.6953 of 2023

M.DHANDAPANI, J.

NHS

W.P.No.6953 of 2023

08.03.2023



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W.P.No.6953 of 2023