



W.P.No.10359 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.04.2023

C O R A M

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.10359 of 2023

Mr.V.Krishnakumar

... Petitioner

Vs

1. District Collector,
Office of District Collectorate,
Coimbatore-641018

2. The Sub Collector,
Pollachi,
Coimbatore District-642001.

3. Mr.Velusamy

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari or any other appropriate writ, order, direction in the nature of writ calling for the impugned order dated 31.01.2023 vide Na.Ka.No.13610/2022/Vu.2 passed by the 1st respondent confirming the order of the 2nd respondent vide Na.Ka.No.3981/2021/A1 dated 31.03.2022 and quash the same.

For Petitioner

... M/s.S.Nagarajan

For Respondents

... Mr.E.Veda Bagath Singh,
Additional Government Pleader
for R1 to R3.



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ORDER

Aggrieved by the order passed by the 1st respondent rejecting the appeal filed by the petitioner on the ground that the petitioner has no right to appeal, the present Writ Petition has been filed.

2. The case of the petitioner is that the 3rd respondent has submitted a petition under Maintenance and Welfare of Parents and Senior Citizens Act, 2007 before the 2nd respondent stating that the petitioner was compelling the 3rd respondent to execute a deed in his favour. The petition was ordered in favour of the 3rd respondent directing the petitioner to vacate the house, where he resides. Aggrieved by the same, the petitioner has filed an appeal which was dismissed by the 1st respondent. Challenging the dismissal order, the petitioner is before this Court.

3. Learned counsel for the petitioner submits that the petitioner has lost his agricultural property on account of the orders passed by the 1st and 2nd respondent. He further submits that the 3rd respondent has filed a civil suit in O.S.No.312 & 314 of 2021 seeking permanent injunction. Besides initiating



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civil proceedings, the 3rd respondent has also filed a petition under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 for the very same cause of action.

4. Per contra, learned counsel for the respondents submits that as per section 16(1) of the Act, the petitioner has no right to appeal as provision provides for appeal only by the senior citizens aggrieved by any such order.

5. This Court heard the learned counsel appearing on either side and perused the materials available on record.

6. Admittedly, there is a dispute between the petitioner and the 3rd respondent in regard to the property. Upon perusal of the order dated 31.03.2022 it reveals that there is a serious allegation as against the petitioner. The said order has been passed after hearing the petitioner and after considering the material evidence placed. It is the responsibility of the child to maintain his parents. In the present case, the 3rd respondent who is the father of the petitioner, has filed the petition for protection which has been ordered after having made enquiry with the Village Administrative Officer.



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7. In the light of the above, this Court finds no reason to interfere with the impugned order. Hence, this Writ Petition stands dismissed. There shall no order as to costs.

26.04.2023

Index:Yes/No

Internet:Yes

NHS

To

1. District Collector,
Thiruvallur Collectorate,
Tiruvallur-602001.
2. Sub Collector,
Thiruvallur Collectorate,
Thiruvallur-602001.
3. The Tahsildar
Avadi Taluk Office
Modern City, Deena Dayalan Nagar,
Pattabiram, Chennai-600054.



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M.DHANDAPANI, J

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