



W.P.No.11215 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 14.06.2023**

CORAM

**THE HON'BLE MR.JUSTICE M.DHANDAPANI, J.**

**W.P. No.11215 of 2023**

**and**

**W.M.P.Nos.11079 and 11080 of 2023**

Karunanidhi

... Petitioner

vs.

1. The District Collector,  
(Senior Citizen and Maintenance Welfare  
Appellate Tribunal),  
Villupuram,  
Villupuram District – 600 002.

2. The Sub Collector / Revenue Divisional Officer,  
(Senior Citizen and Maintenance  
Welfare Tribunal),  
Tirukoilur,  
Kallakurichi District – 605 757.

3. C. Chandra

...Respondents

**Prayer:-** Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the entire records of the impugned proceedings dated 10.01.2023 passed by the 1<sup>st</sup> respondent in Proceedings No.Na.Ka.No.500/A1/2022 quash the same.

For Petitioner : Mr. S. Natarajan

For Respondents : Mr.V. Manoharan,  
Addl. Govt. Pleader for R1 & R2  
Ms. B. Jansi for R3

**ORDER**



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This writ petition has been filed to quash the impugned proceedings dated 10.01.2023 issued by the 1<sup>st</sup> respondent.

2. The case of the petitioner is that he is the son of the private respondent. It is averred that the 3<sup>rd</sup> respondent / petitioner's mother submitted an application before the 2<sup>nd</sup> respondent claiming maintenance from him under the Maintenance and Welfare of Parents and Senior Citizens Act. Subsequently, the 3<sup>rd</sup> respondent filed a writ petition viz., W.P. No.16835 of 2018 seeking directions from this Court to the official respondents to consider the said application for maintenance. Thereafter, this Court vide order dated 06.07.2018, disposed of the said writ petition and issued directions to the 4<sup>th</sup> respondent therein to consider the 3<sup>rd</sup> respondent's representation and to pass orders, within a time frame filed thereunder. Pursuant to the directions issued by this Court on 06.07.2018, the 1<sup>st</sup> respondent issued the impugned Proceedings, dated 10.01.2023, thereby directed the petitioner to pay a sum of Rs.10,000/- towards maintenance to the 3<sup>rd</sup> respondent. Challenging the said proceedings, this writ petition has been filed.



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3. Learned counsel for the petitioner submitted that even without hearing the petitioner, the 1<sup>st</sup> respondent has issued the impugned proceedings. He further stated that there are other Legal Heirs to the 3<sup>rd</sup> respondent and when that be so, claiming the whole maintenance amount from the petitioner is unsustainable. However, on instructions, he submitted that the petitioner is ready and willing to pay a sum of Rs.8,000/- towards maintenance to the 3<sup>rd</sup> respondent. Hence, this Court may issue appropriate directions in the above regard.

4. Learned Additional Government Pleader appearing for the official respondents submitted that after providing sufficient opportunity to the petitioner, the impugned Proceedings have been issued and as such, this writ petition is not maintainable and prays for dismissal of this writ petition.

5. In response to the submission made by the learned counsel for the petitioner, on instructions, learned counsel for the 3<sup>rd</sup> respondent submitted that the 3<sup>rd</sup> respondent has no serious objection to receive the amount of Rs.8000/- as offered by the petitioner.



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6. Heard the learned counsel on either sides and perused the materials placed on record.

7. Admittedly, petitioner is the son of the 3<sup>rd</sup> respondent. It is an admitted fact that the 3<sup>rd</sup> respondent / mother of the petitioner claimed maintenance from the petitioner and she submitted the application before the 2<sup>nd</sup> respondent for the aforesaid claim under the Maintenance and Welfare of Parents and Senior Citizens Act. It is not in dispute that the 1<sup>st</sup> respondent has issued the impugned Proceedings, dated 10.01.2023, thereby directed the petitioner to pay a sum of Rs.10,000/- towards maintenance to the 3<sup>rd</sup> respondent. However, when the matter is taken up for hearing, the petitioner, on his own volition had come forward to pay a sum of Rs.8,000/- to the 3<sup>rd</sup> respondent towards maintenance, which is also gracefully accepted by the 3<sup>rd</sup> respondent. In view of consent expressed by the 3<sup>rd</sup> respondent for receiving the said sum, this Court is inclined to modify the order passed by the 1<sup>st</sup> respondent.

8. In the aforesaid circumstances, in view of the consent expressed by the parties, this Court, without going into the merits of the case,



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directs the petitioner to deposit a sum of Rs.8,000/- (Rupees eight thousand only) on or before 5<sup>th</sup> of every Calendar month to the bank account of the 3<sup>rd</sup> respondent towards maintenance. Further, it is directed that the petitioner shall pay the arrears of maintenance amount at the rate of Rs.8,000/- per month from the date of the order of the 1st respondent till date to the bank account maintained by the 3<sup>rd</sup> respondent, if not already done.

9. With the aforesaid directions, this writ petition is disposed of.  
No costs. Consequently, connected miscellaneous petitions are closed.

14.06.2023

Internet : Yes/No

Index: Yes/No

Speaking order/Non-speaking order

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**M.DHANDAPANI, J.**

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To

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