



W.P.No.12317 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24.04.2023

C O R A M

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

W.P.No.12317 of 2023

and W.M.P.Nos.12152 & 12153 of 2023

1.Nadhagopal

2.Mohankumar

3.Kanagavalli

... Petitioners

Vs

1. The District Collector,
Coimbatore,
Coimbatore District.

2. The District Revenue Officer/Presiding Officer,
The Parents and Senior Citizen Welfare and
Maintenance Tribunal,
Coimbatore,
Coimbatore District.

3. N.Govindasamy

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari or any other order, writ or direction in the nature of Writ of Certiorari or any other Writ, dated 24.02.2023 in Proceedings No.Pa.Mu.3767/2022/A1 on the file of the 2nd respondent and quash the same.

For Petitioner ... M/s.A.Sathasivam

For Respondents ... Mr.E.Veda Bagath Singh,
Special Government Pleader for R1 to R3

ORDER

This Writ Petition has been filed assailing the impugned proceedings dated 24.01.2023 of the 2nd respondent.

2. It is the case of the petitioners that the 3rd respondent is the father of the petitioners and the 4th respondent. The 3rd respondent had a self acquired property to an extent of about 4 ½ cent which was sold to and in favour of one Duraisamy for a valid sale consideration of Rs.1.3 crores. The said amount was equally divided among the petitioners and the respondents 3 & 4 along with the wife of the 3rd respondent. However, the share of the 3rd respondent was deposited in the bank, pursuant to which, the 3rd respondent and his wife are



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receiving monthly interest to the tune of Rs.22,000/-. Thereafter, the 3rd respondent and his wife were under the care and custody of the 4th respondent.

While so, 4th respondent gave a complaint before the 2nd respondent, based on which, summons were issued to the petitioners, pursuant to which, the petitioners appeared before the 2nd respondent and gave their explanation, as a result of which, the impugned proceedings dated 24.02.2023 came to be passed by the 2nd respondent directing the petitioners to pay 5,000/- each to the 3rd respondent and his wife on or before the 10th of every month. Challenging the same, this Writ Petition has been filed.

3. Learned counsel for the petitioners submits that it is also to be taken into consideration that the petitioners 1 & 2 are senior citizens and the 3rd petitioner is the house wife and they are not in a position to even maintain themselves. However, the 3rd respondent and his wife are receiving monthly interest for a sum of Rs.22,000/- which is sufficient for them to maintain themselves. Without taking all the aforesaid into consideration, the 2nd respondents has passed the impugned proceedings. Hence the same needs interference.



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4. On the above contention, this Court heard the learned Special Government Pleader appearing for respondents 1 to 3 and perused the materials available on record.

5. Though, it is the claim of the petitioners that the 3rd respondent and his wife are receiving monthly interest from the bank based on the deposit of the share through their property, however, it is to be pointed out that they are still the parents of the petitioners and the petitioners are duty bound to maintain them. The petitioners cannot shirk their responsibility to maintain their parents, irrespective of wherever they reside. Insofar as the quantum of maintenance fixed by the 2nd respondent, it is evident from the records that the maintenance was ordered at Rs.5000/- to be paid by each petitioner. The cost of living is to be the index for the purpose of deciding the quantum of maintenance. While so, taking into consideration the cost of living in the present scenario, the maintenance ordered by the 2nd respondent cannot be said to be exorbitant.

6. Further, it is to be pointed out that the 3rd respondent and his wife are the senior citizens and with increase in age, the ailments that they would be suffering cannot also be lost sight of, for which they would be requiring to shell



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out towards medical expenses and medicines. In such a backdrop, the awarded amount, in no way could be termed to be exorbitant or unreasonable and this Court finds no reason to interfere with the award of maintenance as ordered by the 2nd respondent.

7. For the reasons aforesaid, this Writ Petition is devoid on merits and the same is dismissed accordingly. There shall no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

24.04.2023

Index: Yes/No

Internet: Yes

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M.DHANDAPANI, J

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To

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