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W.P. No. 28416 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 28416 of 2023

and

W.M.P. No. 27964 of 2023

Waris Ali Khan

... Petitioner

-VS-

1. The Social Welfare Officer,
Chennai District Collector Office,
Singaravelar Maligai,
Chennai – 600 001.

2. The Revenue Divisional Officer (N),
5698+V2X, Mahalakshmi Nagar,
Puzhal,
Chennai – 600 060.

3. Mohamed Siddique

4. Mohamed Ahmed

5. Mohamed Khalid

6. Mohamed Mubeen

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First and Second Respondents to consider the representation dated 21.03.2023 and 25.05.2023 and pass appropriate order directing the Third to Sixth Respondents to pay a sum of Rs. 60,000/- (Rs. 15,000/- each) for food, clothing, medical attendance and treatment of Petitioner and his wife.



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For Petitioner : Mr. H.Mohamed Ghouse
For Respondents : Mr. S.Yashwanth,
Additional Government Pleader
(for R1 & R2)

ORDER

Heard Mr. H.Mohamed Ghouse, Learned Counsel for the Petitioner and Mr. S.Yashwanth, Learned Additional Government Pleader appearing for the First and Second Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. Having regard to the nature of order proposed to be passed in the Writ Petition, which would not cause any prejudice to the Third to Sixth Respondents, notice to them is dispensed with.

3. The Petitioner, who is a senior citizen, had made an application dated 21.03.2023 to the Second Respondent seeking maintenance from the Third to Sixth Respondents under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, but as it did not evoke any response, he has approached this Court.



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4. Learned Additional Government Pleader appearing for the First and Second Respondents has produced a copy of the Notice No. Na. Ka. A7/1254/2023 dated 05.10.2023 issued by the Second Respondent requiring the Petitioner to appear for the enquiry at 11.00 a.m. on 06.10.2023, which has been placed on record.

5. In such circumstances, this Court without expressing any view on the merits of the controversy, passes the following order:-

- (i) the Second Respondent shall immediately examine the application dated 21.03.2023 made by the Petitioner including ascertaining as to whether he would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner or any other person requiring the same to be furnished within a time frame of not less than 15 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard;



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(iv) it shall be ensured that there is atleast one effective hearing every week

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(v) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated by 31.12.2023 under written acknowledgment; and

(vi) the report of such compliance shall be filed before the Registrar (Judicial) of the Court.

6. It is needless to add here that in the event it is found that the Petitioner is entitled to maintenance, the concerned persons shall pay the arrears that are fallen due along with a working sheet showing its calculation within a period of three months from the date of passing of such order by the Second Respondent, apart from future amounts on the due dates.

In the result, the Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

06.10.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 17.11.2023.

vjt



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To

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Chennai – 600 001.
2. The Revenue Divisional Officer (N),
5698+V2X, Mahalakshmi Nagar,
Puzhal,
Chennai – 600 060.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.



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P.D. AUDIKESAVALU, J.

vjt

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