



W.P. No. 32045 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2023

CORAM

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

W.P. No. 32045 of 2023

and

W.M.P. No. 31634 of 2023

C.Umarani

... Petitioner

-VS-

1. The District Collector,
Maintenance and Welfare of Parents and Senior Citizen Appellate Tribunal,
Chengalpet.
2. The District Revenue Officer,
Office of the District Revenue Officer,
Tambaram.
3. The Sub Registrar,
Office of the Sub-Registrar,
Guduvanchery,
Chenglepet District.

4. P.Kaliyaperumal

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the First Respondent pertaining to his Proceedings in Na. Ka. No. 7561/2023/M1 dated 20.06.2023 by confirming the order passed by the Second Respondent in Na. Ka. No. 3599/2022/A dated 05.04.2023 and quash the same in respect of the Petitioner and consequently direct the Respondents to



W.P. No. 32045 of 2023

restore the position of the Petitioner as per the settlement deed dated 02.12.2020 vide document No. 10894 executed by the Fourth Respondent in favour of the Petitioner.

For Petitioner : Mr. M.Vijayakumar

For Respondents : Mr. U.Baranidharan,
Additional Government Pleader
(for R1 to R3)

ORDER

Heard Mr. M.Vijayakumar, Learned Counsel for the Petitioner and Mr. U.Baranidharan, Learned Additional Government Pleader, who takes notice for the First to Third 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 Fourth Respondent, notice to him is dispensed with.

3. The First Respondent by Order in Na. Ka. No. 7561/2023/M.1 dated 20.06.2023 had rejected the appeal preferred by the Petitioner under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007



W.P. No. 32045 of 2023

(hereinafter referred to as 'the Act' for short) against the Order in Na. Ka.

No. 3599/2022/A dated 05.04.2023 passed by the Second Respondent treating the settlement-deed dated 02.12.2020 (registered as Document No. 1089 of 2020 in the office of the Sub-Registrar, Guduvanchery) executed by the Fourth Respondent in favour of the Petitioner as void, in the exercise of powers under Section 23 of the Act, which is challenged in this Writ Petition.

4. The Division Bench of this Court in the authoritative pronouncement in ***K.Raju -vs- Union of India*** [(2021) 2 CTC 129] has ruled that the plain language of Section 16 of the Act is clear that it is only a 'Senior Citizen' or 'Parent' could invoke the right of appeal under that legal provision, and none else could avail such remedy.

5. In view of the aforesaid legal position, there does not appear to be any infirmity in the decision-making process of the First and Second Respondents in the impugned orders warranting interference by this Court in the exercise of discretionary powers of judicial review under Article 226 of the Constitution of India. However, it is hastened to clarify here that it would not preclude the Petitioner from working out his remedies to challenge the Order in Na. Ka. No. 3599/2022/A dated 05.04.2023 passed by the Second Respondent before



W.P. No. 32045 of 2023

the proper forum in the manner recognized by law. It is needless to add here that no view has been expressed by the Court on the merits of the controversy involved in the matter.

In the result, the Writ Petition is dismissed with the aforesaid observations. Consequently, the connected Miscellaneous Petition is closed. No costs.

16.11.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 17.04.2024.

vjt

To

1. The District Collector,
Maintenance and Welfare of Parents and Senior Citizen Appellate Tribunal,
Chengalpet.
2. The District Revenue Officer,
Office of the District Revenue Officer,
Tambaram.
3. The Sub Registrar,
Office of the Sub-Registrar,
Guduvanchery,
Chengalpet District.



WEB COPY



W.P. No. 32045 of 2023

P.D. AUDIKESAVALU, J.

vjt

W.P. No. 32045 of 2023

16.11.2023