



W.P.No.9476 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2023

CORAM

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

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V.Ramesh

...Petitioner

Vs.

1. The District Collector cum Appellate Authority,
Under the Maintenance and Welfare of Parents
and Senior Citizens Act,
Chengalpattu District, Chengalpattu.
2. The District Revenue Officer cum Originally Authority,
Under the Maintenance and Welfare of Parents
and Senior Citizens Act,
Chengalpattu District, Chengalpattu.
3. Vajiravelu
4. Mahalakshmi
5. Elumalai

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records in Na.Ka.No.8485/2022/M1, on the file of the 1st respondent and quash the order dated 16.11.2022.

For Petitioner : Mr.R.Balachanderan



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For Respondents : Mr.K.M.D.Muhilan, AGP, for R1 & R2

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ORDER

This Writ petition has been filed seeking quashment of the order of the 1st respondent in respect of the proceedings dated 16.11.2022 bearing Na.Ka.No.8485/2022/M1.

2. Mr.K.M.D.Muhilan, learned Additional Government Pleader takes notice for the 1st & 2nd respondents. In view of the consent expressed by the learned counsel on either side, this petition is taken up for final disposal at the admission stage itself.

3. Since no adverse order is being passed against the respondents 3 to 5, notice to the private respondents is dispensed with.

4. The case of the petitioner is that the petitioner's father namely Vajiravelu, the 3rd respondent herein married one Radha and out of their wedlock, they were blessed with four children namely, Mahalakshmi/4th respondent, Varalakshmi, Ramesh/the petitioner herein and Mahendran. The



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petitioner's father possessed larger extent of properties in and around Thathalur Village and he settled an extent of 3 Acres 64 cents in the above said properties comprised in various Survey numbers in favour of the 4th respondent and the house site comprised in S.No.125/A1, measuring an extent of 24 cents in favour of the petitioner's another sister, Varalakshmi. Further, the property comprised in S.No.76/3B to an extent of 67 cents was settled in favour of the petitioner, vide registered sale deed dated 24.03.2009, pursuant to which, the petitioner sold the said property in favour of one Vimala, vide registered Sale deed dated 18.10.2021 bearing No.4868 of 2021. While such being the case, the 4th and 5th respondents, with an ill-motive to grab the said property comprised in S.No.76/3B, filed two suits in O.S.No.107 of 2021 and O.S.No.118 of 2022 and have also instigated the 3rd respondent to give a false complaint against the petitioner before the 2nd respondent. Upon receipt of the said complaint, the 2nd respondent conducted enquiry and passed an order dated 20.06.2022 bearing Na.Ka.No.A1/2691/2021, directing the petitioner to pay a monthly maintenance of Rs.10,000/- per month to the 3rd respondent. Aggrieved by the said order dated 20.06.2022, the petitioner preferred an appeal before the 1st respondent, however, the same was rejected by the 1st respondent,



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vide order dated 16.11.2022 bearing Na.Ka.No.8485/2022/M1, confirming the order of the 2nd respondent. Challenging the said order of the 1st respondent, the petitioner has come up with this Writ petition.

5. Learned counsel for the petitioner submitted that, pursuant to the complaint made by the 3rd respondent, the 2nd respondent, vide order dated 20.06.2022, directed the petitioner to pay a monthly maintenance of Rs.10,000/- per month to his father and the complaint with regard to the cancellation of the said sale deed dated 24.03.2009 executed in favour of the petitioner was not entertained (because property is already sold) by the 2nd respondent. He further submitted that the 3rd respondent gave the said complaint only at the instigation of the 4th & 5th respondents, who with an ill-motive to grab the petitioner's property have also filed suits in O.S.No.107 of 2021 and O.S.No.118 of 2022 and the same were pending.

6. On the above said contentions heard learned Additional Government Pleader appearing for the respondents and perused the material documents placed on record.

7. Admittedly, the petitioner's father/the 3rd respondent herein gave a



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complaint against the petitioner before the 2nd respondent under the Maintenance and Welfare of Parents and Senior Citizens Act seeking cancellation of the sale deed dated 24.03.2009 executed in favour of the petitioner and the 2nd respondent, after enquiry directed the petitioner to pay a monthly maintenance of Rs.10,000/- per month to his father, as against which, the petitioner preferred appeal before the 1st respondent, and the same was also dismissed by the 1st respondent, vide order dated 16.11.2022.

8. Further, the petitioner being the son of the 3rd respondent, it is the duty cast upon the petitioner to take care of his father. While so, being aggrieved by the orders of the officials ordering payment of maintenance to his own father, filing the present Writ petition is not sustainable. When the petitioner has been settled with the property which he has since sold, the contention of the petitioner against the orders to pay maintenance is not only illegal but its an affront to morality. It is the duty of the son to take care of his father in his old age. Hence, this Court is not inclined to interfere with the order impugned in this Writ petition.

9. For the reasons aforesaid, this Writ petition stands dismissed. No



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cots. Consequently, connected Miscellaneous petition is closed.

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NCC : Yes/ No

Speaking Order : Yes/ No

Index : Yes/ No

M.DHANDAPANI, J.

skt

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