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W.P. No. 33279 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2023

CORAM

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

**W.P. No. 33279 of 2023
and
W.M.P. Nos. 33030 and 33031 of 2023**

Maheswaran

... Petitioner

-VS-

1. The District Collector,
District Collectorate Office,
Erode.

2. The Sub Divisional Magistrat/Revenue Divisional Officer,
Erode.

3. K.Samiyappan
Respondents

...

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records of the order passed by the First Respondent vide Proceedings in Oo. Mu. No. 1331185/2023 (C-3) dated 18.10.2023 and order passed by the Second Respondent vide proceedings in Moo. Mo. 2452/2023/A2 on 01.08.2023 respectively and to quash the same as illegal, incompetent and ultravires.

For Petitioner : Ms. R.Vigneshwari
for Mr. M.Guruprasad

For Respondents : Mr. U.Baranidharan,
Additional Government Pleader



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(for R1 & R2)

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ORDER

The First Respondent by Order in Oo. Mu. No. 1331185/2023 (C-3) dated 18.10.2023 had rejected the appeal preferred by the Petitioner under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as 'the Act' for short) against the Order No. Moo. Mu. 2452/2023/Aa2 dated 01.08.2023 passed by the Second Respondent cancelling the Settlement-Deed dated 19.09.2018 executed by the Third Respondent in favour of the daughter of the Petitioner, viz., Nithi Sree, (registered as Document No. 2703 of 2018 in the office of the Sub-Registrar, Chennimalai) in the exercise of powers under Section 23 of the Act, which is challenged in this Writ Petition.

2. 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.

3. In view of the said legal position, Learned Counsel for the Petitioner



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seeks permission of the Court to withdraw the Writ Petition reserving the rights of the Petitioner to challenge the Order No. Moo. Mu. 2452/2023/Aa2 dated 01.08.2023 passed by the Second Respondent before the proper forum in the manner recognized by law and she has made an endorsement to that effect in the court record.

In the result, the Writ Petition is dismissed as withdrawn with the aforesaid clarifications. Consequently, the connected Miscellaneous Petitions are closed. No costs.

28.11.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 28.02.2024.

vjt

To

1. The District Collector,
District Collectorate Office,
Erode.
2. The Sub Divisional Magistrat/Revenue Divisional Officer,
Erode.



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P.D. AUDIKESAVALU, J.

vjt

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