



W.P(MD)No.774 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.774 of 2023
and
W.M.P.(MD)No.758 of 2023

S.Saraswathi

... Petitioner

Vs.

1.The District Collector,
Tenkasi District,
Tenkasi.

2.The Revenue Divisional Officer,
Tenkasi Division,
Tenkasi District.

3.S.Thilagavathi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the first respondent in his proceedings in Na.Ka.No.Ow.1/9124/2022, dated 17.08.2022 confirming the order passed by the second respondent in Na.Ka.No.A2/1579/2021, dated 13.09.2021 (signed on 21.07.2022) and quash the same and consequently, directing the third respondent to grant a sum of Rs.25,000/- per month to the petitioner towards her medical expenses as well as maintenance.



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For Petitioner : Mr.A.Joseph Jerry
For Respondents : Mr.B.Saravanan
Additional Government Pleader for R1 & R2
: Mrs.M.Rajeswari

ORDER

Heard the learned counsel on either side.

2. The writ petitioner is a senior citizen aged about 75 years. She is a widow. The petitioner has a son and a daughter (R3). The third respondent is now working as Deputy Tahsildar. The petitioner moved the maintenance tribunal for directing the third respondent to maintain her. The second respondent vide order dated 13.09.2021 directed the third respondent to pay a sum of Rs.2,000/- per month. Aggrieved by the same, the petitioner filed an appeal before the first respondent. The first respondent vide order dated 17.08.2022 confirmed the order passed by the second respondent. Challenging these orders, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to enhance the maintenance payable by the third respondent.



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4. The third respondent has filed a detailed counter affidavit. The learned counsel appearing for the third respondent took me through its contents.

5. The primary stand of the third respondent is that her brother is not going for any employment and he wants to extract money from the third respondent. The third respondent has made it clear that she is very much ready and willing to take care of her mother. Certain allegations have been made against her brother in the counter affidavit.

6. I carefully considered the rival contentions and went through the materials on record.

7. The question of directing the third respondent to pay certain amount as maintenance will arise only if the third respondent is not willing to take care of the petitioner. In this case, the third respondent has made a clear and categorical offer that she is ready to maintain the petitioner.

8. The learned counsel appearing for the petitioner states that the petitioner had been humiliated and that that is why, she was constrained to leave the premises of the third respondent.



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9. I do not want to go into this controversy. The basic facts are not in dispute. The petitioner is a senior citizen. She is the mother of the third respondent. The third respondent is working as Deputy Tahsildar. The third respondent is therefore obliged to maintain the petitioner. The amount of Rs.2,000/- ordered to be paid by the maintenance tribunal and confirmed by the appellate authority in my view is awfully inadequate. I therefore direct the third respondent to remit a sum of Rs.7,500/- per month in the bank account of the writ petitioner. This remittance shall be made on or before 5th of every month in the bank account of the petitioner. The liability of the third respondent to make such payment will commence from next month onwards. The impugned orders are interfered with to this limited extent.

10. The Writ Petition is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

20.02.2023

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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