



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.1590 of 2023

Kamala

... Petitioner

Vs.

1. The Revenue Divisional Officer / Tribunal for
Senior Citizens Maintenance and Welfare,
Melur, Madurai District.

2. The Chairman,
District Legal Services Authority,
Madurai.

3. Jothikumar

4. Agilandeshwari

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to take on file and to dispose of the petition dated 09.12.2022 filed by the petitioner under Section 11 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 to enforce the order dated 22.06.2021 passed in Moo.Moo.En.2944/2021/C by the first respondent under Section 4 of the Act within a time frame that may be fixed by this Court and also direct the second respondent and their subordinates to not to compel the petitioner to vacate the premises of Door No.42/12, Venkatabathy Iyyengar Street, Kamarajar Salai, Madurai.



For Petitioner : Mr.P.Gokulnaath
For R-1 & R-2 : Mr.B.Saravanan,
Additional Government Pleader.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for respondents 1 and 2.

2. Considering the nature of relief to be granted, issuance of notice to the private respondents is dispensed with.

3. The petitioner is none other the mother of the third respondent. Alleging that the third respondent is not maintaining her, she filed a petition under Section 4 of the Maintenance and Welfare of Parents and Senior Citizens Act 2007 before the Maintenance Tribunal. The Maintenance Tribunal passed an order dated 30.03.2022 in favour of the petitioner. It is stated that the third respondent has not



complied with the same. Seeking enforcement of the said order, this writ petition has been filed.

4. No exception can be taken to the petitioner's request. The first respondent is directed to issue notice to the private respondents. If the private respondents have obtained an order of interim injunction or the order dated 30.03.2022 has been set aside, then it cannot be enforced and the petitioner will have to be relegated elsewhere to obtain appropriate remedy. If the order dated 30.03.2022 has not been set aside or stayed and it is still holding good, then it will be enforced and the petitioner has to be given relief. The first respondent is directed to make consequential steps to enforce the said order dated 30.03.2022. This shall be done expeditiously. This writ petition stands allowed on these terms. No costs.

27.01.2023

NCS : Yes / No

Index : Yes / No

Internet : Yes/ No

PMU



WEB COPY



To:

1. The Revenue Divisional Officer / Tribunal for
Senior Citizens Maintenance and Welfare,
Melur, Madurai District.
2. The Chairman,
District Legal Services Authority,
Madurai.



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W.P.(MD)NO.1590 OF 2023

G.R.SWAMINATHAN,J.

PMU

W.P.(MD)No.1590 of 2023

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Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for respondents 1 and 2.

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3. The petitioner is none other the mother of the third respondent. Alleging that the third respondent is not maintaining her, she filed a petition under Section 4 of the Maintenance and Welfare of Parents and Senior Citizens Act 2007 before the Maintenance Tribunal. The Maintenance Tribunal passed an order dated 30.03.2022 in favour of the petitioner. It is stated that the third respondent has not complied with the same. Seeking enforcement of the said order, this writ petition has been filed.

4. No exception can be taken to the petitioner's request. The first respondent is directed to issue notice to the private respondents. If the private respondents have obtained an order of interim injunction or the order dated 30.03.2022 has been set aside, then it cannot be enforced and the petitioner will have to be relegated for the appropriate remedy. If the order dated 30.03.2022 has not been set aside or stayed and it is still holding good, then it will be enforced and the petitioner has to be given relief. The first respondent is directed to make consequential steps to enforce the said order dated 30.03.2022. This shall be done expeditiously. This writ petition stands allowed on these terms. No costs.



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