



W.P(MD)No.2606 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.2606 of 2023

and

W.M.P(MD)No.2370 of 2023

P.Gnanaraj

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Maintenance and Welfare of Parents
and Senior Citizen Tribunal cum Sub Collector,
Cheranmahadevi,
Tirunelveli District.

3.Stalin Nova

4.Britta

5.Suba Catherine

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed in Moo.Mu.3419/2022/A3 dated 30.01.2023 on the file of the 2nd respondent and quash the same as unconstitutional and illegal and consequently direct the second respondent to pass orders ensuring the right of the petitioner to lead a peaceful normal life guaranteed under Section 4(2) of the Maintenance And Welfare of Parents And Senior Citizens Act, 2007 as prayed by the petitioner vide his application dated 04.05.2022.



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For Petitioner : Mr.VR.Shanmuganathan
For R1 & R2 : Mr.N.Muthu Vijayan
Special Government Pleader
For R3 & R4 : Mr.K.Rajeshwaran
For R5 : Mr.C.Emalias

ORDER

The writ petition has been filed by a senior citizen, who had laid a claim seeking various reliefs against the respondents 3 to 5. He sought maintenance, he sought right to reside and other reliefs. A representation was placed before the second respondent.

2.The learned counsel appearing on behalf of the petitioner took me through the impugned order which is sought to be interfered with by this Court and stated that after extracting the entire facts finally the conclusion without giving any reason for giving to such conclusion is that already the position take their case before the Civil Court.

3.The Maintenance And Welfare of Parents And Senior Citizens Act, 2007, as its object not only maintenance and welfare of the parents and citizens but also to order such maintenance. It also provides a small window for the contesting parties to have their grievance redressed before a conciliation officer.



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4. Section 6(vi) of the said Act is as follows:

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“Section 6(6) in The Maintenance and Welfare of Parents

and Senior Citizens Act, 2007

(6) The Tribunal before hearing an application under section 5 may, refer the same to a Conciliation Officer and such Conciliation Officer shall submit his findings within one month and if amicable settlement has been arrived at, the Tribunal shall pass an order to that effect. Explanation. ?For the purposes of this sub-section ?Conciliation Officer? means any person or representative of an organisation referred to in Explanation to sub-section (1) of section 5 or the Maintenance Officers designated by the State Government under sub-section (1) of section 18 or any other person nominated by the Tribunal for this purpose.

5. The Rules have also been framed Rule 10, states that every effort shall be made for the matter to refer before the conciliation officer.

6. I would therefore set aside the order now impugned and remand the matter back to the second respondent keeping in mind the aforementioned provision of law. If the parties do not agreed to settle the issues before the Conciliation Officer then the merits of the case can be discussed by granting opportunity to both sides to present their case. Granting such opportunity would mean grant effective participation. It would also be by way of presenting documents and presenting written representations and granting opportunity of oral representation to be advanced.



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7.Since the parties are at loggerheads, let me not put a specific time line for disposal but would urge the second respondent to endeavour to dispose of the issue after the records are received back within a period of six months from that date.

8.With the above observation, the Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

19.06.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

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To

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Maintenance and Welfare of Parents
and Senior Citizen Tribunal cum Sub Collector,
Cheranmahadevi,
Tirunelveli District.



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C.V.KARTHIKEYAN, J.

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