



W.P.(MD)No.4728 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.4728 of 2021

R.Narayanan

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
at Nagercoil.

2.The Revenue Divisional Officer / Chairman,
The Maintenance and Welfare of Parents
and Senior Citizens Act 2007,
Padmanabhapuram Sub Division,
Tukkalay Post,
Kanyakumari District.

3.N.Sasikumar

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the official respondents to implement the order passed by the 2nd respondent Na.Ka.A2/5740/2011, dated 24.06.2014 by enforcing the order u/s 128 of the Criminal Procedure Code and pay the monthly maintenance of Rs.5,000/- along with the arrears amount from 24.06.2014 within the period stipulated by this Court.

For Petitioner : Mr.Ananth C.Rajesh
For R1 and R2 : Mr.S.Jeyasingh
Government Advocate



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ORDER

This writ petition was filed for the issue of writ of mandamus directing the official respondents to enforce the order passed under Section 128 of the Criminal Procedure Code and to ensure the payment of monthly maintenance along with arrears to the petitioner from 24.06.2014.

2.The case of the petitioner is that the third respondent is his son and he left the petitioner in lurch. Hence, the petitioner made an application before the District Social Welfare Officer, Kaniyakumari seeking maintenance under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as 'the Act' for the sake of brevity) from the year 2011. Enquiry was conducted and the second respondent passed an order under Section 9 of the Act on 24.06.2014. This order was also communicated to the third respondent. Despite the same, the third respondent did not comply with the order.

3.The further case of the petitioner is that since the third respondent has failed to comply with the order passed under the Act, the maintenance must be enforced as per Section 128 of the Criminal Procedure Code. Hence, a



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representation was made in this regard to the first and second respondents.

Since there was no response from the official respondents, the present writ petition has been filed before this Court.

4. When the matter was came up for hearing on 12.10.2023, the learned Government Advocate submitted that the correct address of the third respondent is not known and that is the reason why the second respondent is not able to implement the order passed on 24.06.2014.

5. In light of this submission, the learned counsel for the petitioner was directed to get the correct address of the third respondent and this matter was directed to be listed for hearing today.

6. When the matter is taken up for hearing today, the learned counsel for the petitioner filed a memo by providing correct particulars of the third respondent and a copy of the same is also furnished to the learned Government Advocate.

7. In view of the above, there shall be a direction to the second respondent to implement the order passed through proceedings dated



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24.06.2014 and enforce the same against the third respondent under Section 128 of the Criminal Procedure Code and ensure the payment of maintenance to the petitioner along with arrears of maintenance. This process shall be completed by the second respondent within a period of four weeks from the date of receipt of a copy of this order.

8.This writ petition is disposed of in the above terms. No costs.

10.11.2023

NCC : Yes / No
Index : Yes/No
Internet : Yes/No
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To

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N.ANAND VENKATESH, J.

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