



W.P.(MD) No.4531 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2023

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

**W.P.(MD) No.4531 of 2020
and
W.M.P.(MD) No.3861 of 2020**

Eganathan

... Petitioner

/vs./

1.The Sub Collector,
Pattukottai,
Thanjavur District.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Pattukottai,
Thanjavur District.

3.The District Social Welfare Officer,
Office of the District Social Welfare Office,
Thanjavur.

4.Periatchi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, calling for the records pertaining to the impugned



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order passed by the 3rd respondent Na.Ka.No.3287/A4/2019 dated 18.02.2020 and quash the same and consequently permit the petitioner to pay a Sum of Rs. 2000/- as monthly maintenance to the 4th respondent/mother.

For Petitioner : Mr.Santhanam Rajeshkumar

For R1 to R3 : Mr.A.Sivanupandian
Government Advocate

For R4 : M/s.P.Kalaiyarasi Bharathi

ORDER

The above writ petition is filed challenging the order passed by the third respondent under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

2.The facts in briefly are as follows:-

3.The fourth respondent who is none other than the mother of the petitioner had filed a complaint before the second respondent herein on 11.08.2017 stating that the petitioner's wife, namely her daughter-in-law was not allowing access into the house for her and that apart, she was not giving any food and not taking care of her. The second respondent based on the complaint has passed the order



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on 30.12.2017 directing the petitioner to pay a sum of Rs.2,000/- as monthly maintenance and to partition the house into two parts and give one part to her. It is challenging this order that the petitioner is before this Court.

4.The petitioner would admit the fact that the property was purchased in the name of his father, but however he would submit that money was spent by him for the purchase. He would submit that after the death of his father, his mother had sold some properties for a sum of Rs.10,00,000/- and she was enjoying the sale consideration without giving any amounts to him. He would submit that he is now not having a steady income as he is a dependent on his fishing activities to support his family. He has a wife and two children. The disputes arose in 2015 after the death of his father.

5.The third respondent, the District Social Welfare Officer had filed a counter, in which she has stated that the fourth respondent has filed a writ petition in W.P.(MD) No.2764 of 2019 on the file of this Court for a direction to the Inspector of Police, Adhiramapattinam to give effect to the order passed by the second respondent. The third respondent had stated that when they had gone to



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visit the fourth respondent at the address given to her, she was not available there, as she has now been sent out from the house and is staying in the temple. Therefore, the third respondent has visited the fourth respondent at the temple and taken her statement.

6.The third respondent would submit that she along with the Inspector of Police, Adhiramapattinam, Sub Collector, Village Administrative Officer and Firka Surveyor had surveyed the house and prepared a detailed sketch for partitioning the property. She has specifically stated that the petitioner, whose duty is to protect his mother, has failed to do so and that apart he has not adhered to the order passed by the third respondent and further he has not complied even with the order of the second respondent directing him to pay maintenance.

7.This Court had tried to bring about a solution by finding out whether the petitioner is ready to permit his mother to stay in the house and continue to pay the monthly maintenance. However, it is informed that the fourth respondent was assaulted by the petitioner and his wife and a complaint has been lodged. In this background, there is no possibility of the fourth respondent going to live with the



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petitioner as there could be serious danger to her safety. Therefore, this Court has proceeded to hear the arguments.

8.The petitioner has not been able to make out any case for interfering with the order passed. From the counter filed by the third respondent, it is clearly evident that the petitioner has thrown out his mother from the property, which belongs to her husband. He has not paid a single penny to date pursuant to the orders of this Court. It was the contention of the learned counsel appearing for the petitioner that a sum of Rs.80,000/- was given, which was refused to receive by the learned counsel appearing for the fourth respondent. The learned counsel for the fourth respondent would clarify that a sum of Rs.80,000/- was paid on condition that the fourth respondent would give up her right to the property and therefore, it was rejected.

9.Be that as it may, considering the fact that the petitioner has failed to take care of his aged mother and adding insult to injury, has thrown her out of her house, I see no reason to interfere with the orders, which has been passed under



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the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, whose statement of objects would read as follows:-

“Traditional norms and values of the Indian society laid stress on providing care for the elderly. However, due to withering of the joint family system, a large number of elderly are not being looked after by their family. Consequently, many older persons, particularly widowed women are now forced to spend their twilight years all alone and are exposed to emotional neglect and to lack of physical and financial support. This clearly reveals that ageing has become a major social challenge and there is a need to give more attention to the care and protection for the older persons.”

10.This case is a classic case to prove the above reason, which has propelled the Government into enacting this Act.

11.The Writ Petition is dismissed, accordingly. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

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P.T.ASHA, J.

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