



W.P.(MD)No.9522 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.9522 of 2023

M.Veerayi

... Petitioner

Vs.

1.The District Revenue Officer,
Madurai District,Madurai.

2.Indira

3.Pachaimalai

4.Selvakumar

5.Muthulaksmi

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus directing the 1st respondent to dispose the appeal in A.P.No.61624 of 2022 on the file of the respondents within the time as may be stipulated by this Court.

For Petitioner	: Mr.R.Shankar Ganesh
For R1	: Mr.G.V.Vairam Santhosh Additional Government Pleader
For R2 to R5	: Mr.D.Senthil



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ORDER

This Writ Petition is filed for issuance of a Writ of Mandamus directing the 1st respondent to dispose the appeal in A.P.No.61624 of 2022 on the file of the respondents within the time as may be stipulated by this Court.

2. The petitioner is a senior citizen and he has filed an application before the Revenue Divisional Officer as against her daughter, the second respondent, under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 . The Revenue Divisional Officer has allowed the application in favour of the petitioner. The second respondent has filed an appeal as against the order under Section 16 of the said Act before the District Revenue Officer on 29.07.2022.

3. The grievance of the petitioner is that the appeal in A.P.No.



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61624 of 2022 on the file of the first respondent is pending for the past one year.

4. The learned counsel for the petitioner, by referring the provision under Section 16(6) of the Act, submits that there is a mandate for the appellate authority to decide the appeal if any filed under Section 16 of the Act within a period of one month from the date of receipt of the appeal.

5. Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is extracted for useful reference:

16. Appeals

1. Any senior citizen or a parent, as the case may be, aggrieved by an order of a Any senior citizen or a parent, as the case may be, aggrieved by an order of a Tribunal may, within sixty days from the date of the order, prefer an appeal to the Appellate Tribunal:

Provided that on appeal, the children or relative who is required to pay any amount in terms of such maintenance order shall continue to pay to such parent the amount so ordered, in the manner directed by



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the Appellate Tribunal:

Provided further that the Appellate Tribunal may, entertain the appeal alter the expiry of the said period of sixty days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

2. On receipt of an appeal, the Appellate Tribunal shall, cause a notice to be served upon the respondent.
3. The Appellate Tribunal may call for the record of proceedings from the Tribunal against whose order the appeal is preferred.
4. The Appellate Tribunal may, after examining the appeal and the records called for either allow or reject the appeal.
5. The Appellate Tribunal shall, adjudicate and decide upon the appeal. The order of the Appellate Tribunal shall be final:

Provided that no appeal shall be rejected unless an opportunity has been given to both the parties of being heard in person or through a duly authorised representative.

1. The Appellate Tribunal shall make an endeavour to pronounce its order in writing within one month of the receipt of an appeal.
2. A copy of every order made under sub-section (3) shall be sent to both the parties free of cost.

6. Considering the submissions of the learned counsel for the



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petitioner and the mandate required under the Act, this Writ Petition is disposed of with a direction to the District Revenue Officer, the first respondent to dispose of the appeal in A.P.No.61624 of 2022 preferred by the second respondent under Section 16 of the Act within a period of two weeks from the date of receipt of a copy of this order. No costs.

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02.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
CM

To,
The District Revenue Officer,
Madurai District, Madurai.



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B.PUGALENDHI, J.

CM

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