



W.P.(MD)No.19581 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.19581 of 2021

and

W.M.P(MD)Nos. 16281 & 16282 of 2021

Arumugasamy

... Petitioner

Vs.

1. The Appellate Authority/District Collector,
Under the Maintenance and Welfare of
Parents and Senior Citizens Act, 2007,
Dindigul District.
2. The District Social Welfare Officer,
Social Welfare Department,
Dindigul District.
3. The Proceedings Officer of Maintenance Tribunal,
Under the Maintenance and Welfare of
Parents and Senior Citizens Act, 2007,
The Sub Collector, Palani Sub Division,
Dindigul District.



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4. Pappathi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Certiorarified Mandamus*, to call for the records pertaining to the Impugned Order passed by the 2nd Respondent in Na.Ka.No. 192/Pa.A/2020, dated 15.07.2021 confirming the Impugned Order passed by the 3rd respondent in Na.Ka.No.1064/2018/A7, dated 19.06.2018 under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and quash the same as illegal.

For Petitioner : M/s.J.Lawrance

For R-1 to R-3 : Mr.A.K.Manikkam,
Special Government Pleader, for R-1 to R-3

ORDER

This writ petition has been filed challenging the impugned order, dated 15.07.2021 which was confirming the Impugned Order passed by the 3rd respondent, dated 19.06.2018.

2. Heard on either side. Perused the material documents placed on record.



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3. The 4th respondent is mother of the petitioner and she had filed a petition before the 1st respondent complaining that the petitioner has not taking care of the 4th respondent, inspite of settling a property to the petitioner.

4. However, the contention of the petitioner is that the petitioner's father has executed a General Power of Attorney, dated 21.09.2010 and not a settlement deed. Based on the General Power of Attorney, the petitioner has already executed a sale deed dated 25.09.2015 creating a 3rd party right. The petitioner's father died in the year 2020.

5. By taking all facts into consideration, this Court is of the considered opinion that the power was in force, when the petitioner executed sale deed and therefore, the same is still valid.

6. Of course, the petitioner is having moral responsibility to maintain his mother. Therefore, the petitioner is directed to pay a sum of Rs.7,500/-per month, to the mother/4th respondent, on or before 5th day of every English Calendar month, without fail. However, the impugned order cannot be sustained



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for the reasons as stated supra. Therefore, the impugned order, dated 15.07.2021 which was confirming the Impugned Order passed by the 3rd respondent, dated 19.06.2018 are hereby quashed.

7. With these directions, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
Internet : Yes
ksa

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S.SRIMATHY, J

ksa

**Order made in
W.P.(MD)No.19581 of 2021**

25.07.2023