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W.P.(MD)NO.19929 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.19929 of 2023 AND
W.M.P.(MD)No.16457 of 2023

S.Raja Padmanaban

... Petitioner

Vs.

1. The District Collector,
Theni, Theni District.

2. The Revenue Divisional Officer,
Uthamapalayam,
Theni District.

3. S.R.Rajeswaran

4. Sivaranjani @ Lekha Swapna

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent dated 20.07.2023 in Sey.Mu.Na.Ka.No. 1213/A1/2023 and quash the same and consequently restore the order passed by the 2nd respondent dated 26.05.2023 in Na.Ka.No. 4111/2022/A2 and also direct the 3rd and 4th respondent to pay a sum of Rs.50,000/- towards monthly maintenance under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.



For Petitioner : Mr.S.Suresh Kumar
For R-1 & R-2 : Mr.K.Balasubramani,
Special Government Pleader.
For R-4 : Mr.S.Jayachandran

* * *

ORDER

Heard both sides.

2. The petitioner executed a settlement deed in favour of respondents 3 and 4 who are his son and daughter. The petitioner thereafter moved the Maintenance Tribunal for cancellation of the settlement deed and also for the relief of maintenance. An order in favour of the petitioner was passed by the Maintenance Tribunal. Aggrieved by the same, the fourth respondent preferred an appeal before the first respondent. The first respondent passed the impugned order dated 20.07.2023 setting aside the order passed by the Maintenance Tribunal. Challenging the same, the present writ petition came to be filed.

3. It is well settled that only a senior citizen can file an appeal under Section 16 of the Act before the appellate authority. The fourth respondent is not a senior citizen. The



appeal filed by her is not maintainable. The impugned order is set aside on the ground of want of jurisdiction. The fourth respondent can avail appropriate remedy to question the order passed by the Maintenance Tribunal. I make it clear that I have not gone into the merits of the matter. This writ petition stands allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

15.12.2023

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

PMU

To:

1. The District Collector,
Theni, Theni District.
2. The Revenue Divisional Officer,
Uthamapalayam,
Theni District.



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G.R.SWAMINATHAN,J.

PMU

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