



W.P(MD)No.21834 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.21834 of 2023

and

W.M.P(MD)Nos.18219 & 18220 of 2023

Subburaj

... Petitioner

Vs

1.The District Collector,
Office of the District Collector,
Thoothukudi District.

2.The Revenue Divisional Officer,
The Revenue Divisional Office,
Kovilpatti,
Thoothukudi District.

3.Subbaiya @ Subbareddiyar

4.Shanmugaraj

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records pertaining to the impugned order passed by the first respondent dated 30.06.2023 vide his proceedings in Mu.Muu(C1)/e-1043889/2023



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and confirming the order passed by the second respondent in his proceedings in Muu.Mu(A3)/512/2023 dated 09.05.2023 and quash the same.

For Petitioner :Mr.B.Jameelarasu

For R1 & R2 :Mr.G.V.Vairam Santhosh
Additional Government Pleader

ORDER

With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The third respondent namely Subbaiya @ Subbareddiyar has filed a complaint, as against this petitioner his elder son that he is harassing him and preventing him to access the toilet and the common space, before the Revenue Divisional Officer under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The Revenue Divisional Officer after conducting an enquiry has passed an order, in favour of the third respondent, directing the petitioner not to harass the third respondent and not to disturb his movement in passage and also to pay a maintenance of Rs.3,000/- per month to the third respondent. This



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order was challenged by the petitioner before the District Collector by way of an appeal. The appeal was also dismissed by the District Collector. Aggrieved against the order, the petitioner is before this Court.

3.The learned counsel for the petitioner has raised the following three grounds in support of his petition:-

- (i) The complaint under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 was preferred by the fourth respondent and not by the third respondent his father.
- (ii) There is a civil suit pending between the petitioner and the fourth respondent and therefore, on the instigation of the fourth respondent, the third respondent has lodged this complaint.
- (iii) Though the third respondent has not made any demand of maintenance in his complaint, the Revenue Divisional Officer has passed an order awarding maintenance of Rs.3,000/- in favour of the third respondent.

4. In this regard, the learned counsel for the petitioner has also drawn the attention of the evidence of the third respondent which was



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recorded by the Revenue Divisional Officer in his proceedings.

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5. The learned Additional Government Pleader appearing for the respondents 1 & 2 submitted that with regard to first ground the complaint was filed only by the fourth respondent and not by the third respondent as claimed by the petitioner. The fourth respondent is another son of the third respondent and he is entitled to lodge a complaint under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. This complaint was duly enquired, the evidence of respective parties were recorded and thereafter a decision has been taken by the Revenue Divisional Officer. The order passed by the Revenue Divisional Officer has also been confirmed by the District Collector.

6. With regard to the second ground, the learned Additional Government Pleader submits that civil suit is pending between the petitioner and the fourth respondent and the third respondent is not a party to that proceedings. To the third ground, the learned Additional Government Pleader submits that the third respondent has executed a settlement deed in favour of the petitioner to an extent of 13 acres and



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even thereafter, the petitioner harassed his father and mother and out of that, his mother died and the petitioner has now approached the authorities under the Act. Considering the over all circumstances and the property which has already been given by the third respondent in favour of the petitioner, the respondents 1 & 2 have taken the decision directing the petitioner to pay the maintenance of Rs.3,000/- and there is no reason to interfere with the order.

7. This court considered the rival submissions made by both parties.

8. The third respondent is the father of the petitioner and who is aged about 80 years. The statement of the third respondent reveals that the petitioner used to assault the third respondent as well as his mother and on account of the same, his mother died. The third respondent at his age of 80 years has approached the authority stating that the petitioner is not permitting him to access the toilet and the common places. The fact remains that the third respondent has gave 13 acres of land to this petitioner and despite the same, the petitioner is harassing the third



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respondent. Therefore, the respondents 1 & 2 considering the over all evidence placed before them have passed this order and therefore, this court is not inclined to interfere with the orders of the respondents 1 & 2.

9. Accordingly, this writ petition is dismissed. No costs.
Consequently, connected miscellaneous petitions are closed.

NCC : Yes / No.
Index : Yes / No.
Internet: Yes
am

08.09.2023

To

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2. The Revenue Divisional Officer,
The Revenue Divisional Office,
Kovilpatti,
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B.PUGALENDHI, J.

am

Order made in
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08.09.2023