



W.P(MD)No.22168 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.22168 of 2023

K.Malaiyayee

... Petitioner

Vs

**1.The District Collector,
District Collectorate,
Madurai.**

**2.The Revenue Divisional Officer,
Melur at Vellaripatti Village,
Madurai District.**

**3.The Sub Registrar,
Melur West,
Madurai District.**

4.P.Packiam

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent No.2 to dispose of the petitioner's application dated 01.09.2023 made under Section 23 of the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Act, 2007.



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For Petitioner :Mr.S.Rajasekar
For R1 to R3 :Mr.G.V.Vairam Santhosh
Additional Government Pleader

ORDER

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

2. The petitioner, who is a senior citizen aged about 76 years, has filed an application under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 before the Revenue Divisional Officer, Melur and filed this writ petition for speedy disposal of her application.

3. The learned counsel for the petitioner submitted that the petitioner is suffering with kidney problems and she has no money for dialysis and therefore, seeking direction to the concerned authority to consider the case of the petitioner and dispose the application in a speedy manner.



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4. The learned Additional Government Pleader appearing for the respondents submitted that the petitioner has filed an application only on 01.09.2023 and notice is yet to be ordered to the fourth respondent. Section 5(4) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 itself provided 90 days time limit for disposing such application and therefore, the writ petition filed by the petitioner at this stage is not maintainable.

5. This Court considered the rival submissions.

6. The maintenance application filed under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 needs to be decided as a summary proceedings. Though a outer limit is also prescribed in the act to complete the proceedings within a period of 90 days, the first respondent can decide the application only after providing an opportunity to the respondent in that application.

7. Therefore, this Court is not inclined to entertain this writ petition, however, considering the case of the petitioner that she is



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suffering from kidney problems without any money for her dialysis, the second respondent shall consider the case of the petitioner sympathetically and can take a decision for interim maintenance during the proceedings pending before him as per Section 5(2) of the Act.

8. Accordingly, this writ petition is disposed of. No costs.

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

12.09.2023

To

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B.PUGALENDHI, J.

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Order made in
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