



W.P.(MD)Nos.25600 of 2022 and 2372 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)Nos.25600 of 2022 and 2372 of 2023

and

W.M.P.(MD)Nos.19687 and 19688 of 2022

W.P.(MD)No.25600 of 2023

1. Jeyasri

2. Thanu

... Petitioners

versus

1. The District Magistrate cum District
Collector/Appellate Authority,
The Maintenance and Welfare of
Parents and Senior Citizens Act, 2007,
Collectorate Campus,
Nagercoil.

2. The Revenue Divisional Officer/Presiding Officer,
The Tribunal under the Maintenance and
Welfare of Parents and Senior Citizens Act, 2007,
Nagercoil.

3. Kulathooran

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,



W.P.(MD)Nos.25600 of 2022 and 2372 of 2023

seeking for the issuance of Writ of Certiorari, to call for the records of the order passed by the 2nd respondent vide Na.Ka.No.Aa5/1035/2021 dated 20.09.2021 and the subsequent order passed by the 1st respondent vide Pa.Mu.C3/42496/2021 dated 01.03.2022 and quash the same.

For Petitioner : Mr.C.T.Perumal

For R1 and R2 : Mr.M.Sarangan,
Special Government Pleader

For R3 : Mr.S.Louis

W.P.(MD)No.2372 of 2023

T.Kulathooran

... Petitioner

versus

1. The District Collector,
Collectorate,
Nagercoil,
Kanyakumari District.
2. The Revenue Divisional Officer,
Nagercoil division,
Collectorate Complex,
Nagercoil,
Kanyakumari District.
3. The Superintendent of Police,
O/o. the Superintendent of Police,
Nagercoil,
Kanyakumari District.



W.P.(MD)Nos.25600 of 2022 and 2372 of 2023

4. The Inspector of Police,
Vadasery Police Station,
Kanyakumari District.

5. K.Thanu

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents 3 and 4 to execute the order in Pa.Mu.Si.3/42496/2021 dated 01.03.2022 on the file of the 1st respondent, within the time stipulated by this Court.

For Petitioner : Mr.S.Louis
For R1 and R2 : Mr.M.Sarangan,
Additional Government Pleader
For R3 and R4 : Mr.P.Kottaichamy,
Government Advocate
For R5 : Mr.C.T.Perumal

COMMON ORDER

The first petitioner in W.P.(MD)No.25600 of 2022 is the daughter-in-law of the 3rd respondent, namely, Kulathooran. The second petitioner in W.P.(MD)No.25600 of 2022 is the son of the 3rd respondent. They have filed a writ petition in W.P.(MD)No.25600 of 2022 challenging the order dated 01.03.2022 passed by the first



W.P.(MD)Nos.25600 of 2022 and 2372 of 2023

respondent/the District Magistrate cum District Collector, Nagercoil, on the appeal preferred by them as against the order dated 20.09.2021 passed by the 2nd respondent/the Revenue Divisional Officer, Nagercoil.

2. The 3rd respondent is the father of the 2nd petitioner has filed an application before the 2nd respondent/the Revenue Divisional Officer, Nagercoil, under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The 2nd respondent/the Revenue Divisional Officer, Nagercoil, by order dated 20.09.2021, directed the petitioners to vacate the house of the 3rd respondent. Aggrieved over the same, the petitioners have preferred an appeal before the first respondent/the District Collector, Nagercoil. The first respondent/the District Collector, Nagercoil, by order dated 01.03.2022, has also confirmed the order passed by the second respondent/the Revenue Divisional Officer, Nagercoil and directed them to vacate the house of the 3rd respondent. In addition to that, the first respondent has also directed the petitioners



W.P.(MD)Nos.25600 of 2022 and 2372 of 2023

to pay a sum of Rs.5,000/- as monthly maintenance to the 3rd respondent as agreed by them. As against that order, W.P.(MD)No. 25600 of 2022 has been filed.

3. The learned counsel appearing for the petitioners submits that the 3rd respondent is having three houses and the petitioners are residing in one house. However, the first respondent/the District Collector, Nagercoil, has directed the petitioners to vacate the house of the 3rd respondent. The learned counsel for the petitioners further submits that when the 3rd respondent is having two more houses, the 3rd respondent is not supposed to maintain the application filed under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and the respondents have also erroneously passed the impugned order.

4. This Court has considered the rival submissions and perused the materials available on record.



W.P.(MD)Nos.25600 of 2022 and 2372 of 2023

5. Admittedly, the petitioners are residing in the house of the 3rd respondent. The 3rd respondent has approached the second respondent/the Revenue Divisional Officer, Nagercoil that the petitioners are harassing him. Since the 3rd respondent is a Senior Citizen, he must be protected under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Therefore, the second respondent/the Revenue Divisional Officer, Nagercoil, after conducting enquiry, has passed an order, directing the petitioners to vacate the house of the 3rd respondent. The said order has also been confirmed by the first respondent/the District Collector, Nagercoil. The District Collector has also directed the petitioners to pay the monthly maintenance of Rs.5000/- to the 3rd respondent as agreed by them. In the absence of any violation of law or procedure, this Court is not inclined to interfere with the factual findings rendered by the respondents 1 and 2. Accordingly, W.P.(MD)No.25600 of 2022 is dismissed.



W.P.(MD)Nos.25600 of 2022 and 2372 of 2023

WEB COPY 6. The 3rd respondent has also filed a writ petition in W.P. (MD)No.2372 of 2023 alleging that though the monthly maintenance has been ordered by the District Collector, Nagercoil, the same has not been complied with by the petitioners.

7. In view of the dismissal of the writ petition in W.P.(MD)No. 25600 of 2022, W.P.(MD)No.2372 of 2023 is also dismissed with liberty to the petitioner/3rd respondent in W.P.(MD)No.25600 of 2022 to work out his remedy before the competent authority for enforcement of the order passed by the District Collector, Nagercoil. No costs. Consequently, connected miscellaneous petitions are closed.

08.09.2023

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



W.P.(MD)Nos.25600 of 2022 and 2372 of 2023

To

WEB COPY

1. The District Magistrate cum District
Collector/Appellate Authority,
The Maintenance and Welfare of
Parents and Senior Citizens Act, 2007,
Collectorate Campus,
Nagercoil.
2. The Revenue Divisional Officer/Presiding Officer,
The Tribunal under the Maintenance and
Welfare of Parents and Senior Citizens Act, 2007,
Nagercoil.



WEB COPY



W.P.(MD)Nos.25600 of 2022 and 2372 of 2023

B.PUGALENDHI, J.

ogy

W.P.(MD)Nos.25600 of 2022 and 2372 of 2023

08.09.2023