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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP (MD)No.26947 of 2022
and
WMP(MD)Nos.21111 & 21112 of 2022

M.Maheshwaran

... Petitioner

Vs.

- 1.The District Collector,
Appellate Authority,
The Maintenance and Welfare of
Parents and Senior Citizens
Appellate Tribunal,
Virudhunagar District.
- 2.The Revenue Divisional Officer cum
Executive Magistrate,
The Authority under the Maintenance
and Welfare of Parents and Senior
Citizens Act, Sattur, Virudhunagar District.
- 3.The District Registrar,
Virudhunagar District, Virudhunagar.
- 4.The Sub Registrar,
Office of the Sub Registrar,
Keelarajakularaman,
Rajapalayam, Virudhunagar.
- 5.A.Muthupillai
- 6.Shanmugathai
- 7.M.Muthukannan

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records relating to the impugned order of the first respondent in Na.Ka.C4/15450/2022 dated 15.11.2022 and quash the same.

For Petitioner : Mr.M.Thirunavukkarasu

For Respondents : Mr.A.K.Manikkam,
Special Government Pleader for R & R2

Mr.N.Satheeshkumar,
Additional Government Pleader for R3&R4

Mr.A.L.Kannan for R5 to R7

ORDER

Heard the learned counsel on either side.

2.The petitioner is the son of the fifth respondent. The fifth respondent had executed as many as three settlement deeds. Alleging that he is not being maintained by his children, he moved the maintenance tribunal. The maintenance tribunal passed an order dated 18.03.2022. As per Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, it is only the aggrieved senior citizen can prefer an appeal before the District Collector. However, in this case, the petitioner herein who is one of the sons had filed appeal before the District Collector. The said appeal clearly was not



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maintainable. Without taking note of the non-maintainability of the appeal filed by the petitioner, the impugned order dated 15.11.2022 came to be passed. The first respondent had also cancelled the settlement deeds executed by the fifth respondent. When the appeal itself is not maintainable, direction given therein also will not hold good. In this view of the matter, the order impugned in this writ petition is set aside. The order passed by the second respondent on 18.03.2022 is restored. It is open to either of the parties to question the same in the manner known to law.

3. With this liberty, this writ petition is allowed. No costs. Consequently, connected Mps. are closed.

05.01.2023

Index : Yes / No
Internet : Yes/ No
skm

Issue order on 06.01.2023

To:

1. The District Collector, Appellate Authority,
The Maintenance and Welfare of
Parents and Senior Citizens
Appellate Tribunal, Virudhunagar District.
2. The Revenue Divisional Officer cum
Executive Magistrate,
The Authority under the Maintenance



and Welfare of Parents and Senior
Citizens Act, Sattur, Virudhunagar District.

3. The District Registrar,
Virudhunagar District, Virudhunagar.

4. The Sub Registrar, Office of the Sub Registrar,
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Rajapalayam, Virudhunagar.



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G.R.SWAMINATHAN, J.

SKM

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