



W.P(MD)No.26510 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 06.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26510 of 2023

Alla Baksh

... Petitioner

Vs.

1.The District Collector,
The Collectorate,
Sivagangai.

2.The Superintendent of Police,
O/o. Superintendent of Police,
Sivagangai.

3.The Revenue Divisional Officer,
O/o. Revenue Divisional Officer,
Devakottai, Sivagangai District.

4.A.Salim

... 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.3 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 within the time frame stipulated by this Court.

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For Petitioner : Mr.S.Rajasekar,
For M/s.Lajapathi Roy and Associates.

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 & R3.
Mr.A.Albert James,
Government Advocate for R2.

ORDER

Heard the learned counsel for the writ petitioner, the learned Special Government Pleader for the respondents 1 and 3 and the learned Government Advocate for the second respondent.

2.The petitioner wants the third respondent to dispose the petition mentioned application given under Section 23 of the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Act, 2007. It is seen that the settlement deed was executed by the petitioner prior to enactment of the said Act. The Madras High Court in the decision reported in **(2018) 6 CTC 21 (K.Neelavathy v. The District Magistrate)** held that the Maintenance Tribunal will not have jurisdiction to cancel documents that were executed prior to the coming into force of the said



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Act. Therefore, the third respondent will not have jurisdiction to consider the petition mentioned application.

3.It is however stated by the learned Special Government Pleader that the Maintenance Tribunal had already passed an order dated 14.08.2023 directing the five children of the petitioner to pay a sum of Rs.1,500/- each towards monthly maintenance. Copy of the said proceeding has also been produced before the Court.

4.Recording this development, this writ petition is disposed of. No costs.

06.11.2023

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

To:-

- 1.The District Collector,
The Collectorate,
Sivagangai.
- 2.The Superintendent of Police,
O/o. Superintendent of Police,
Sivagangai.

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3.The Revenue Divisional Officer,
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