



W.P(MD)No.28154 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28154 of 2023

and

W.M.P.(MD)No.24236 of 2023

N.Govindarajan

... Petitioner

Vs.

1.The District Collector Cum
The Chairman of Appellate Tribunal,
(Under Maintenance and Welfare of Parents
and Senior Citizens Act, 2007),
Pudukkottai, Pudukkottai District.

2.The Revenue Divisional Officer Cum
The Chairman of Sub Divisional Tribunal,
(Under Maintenance and Welfare of Parents
and Senior Citizens Act, 2007),
Pudukkottai, Pudukkottai District.

3.The Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai District.

4. Saravanan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the



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1st Respondent to dispose the 4th Respondent's appeal against the 2nd Respondent's order in Moo.Mu.2161/2023/A6 dated 08.08.2023 within the stipulated time limit as fixed by this Court and consequently direct the 3rd Respondent to ensure the peaceful life of the petitioner and his wife based on the 2nd Respondent's order in Moo.Mu.2161/2023/A6 dated 08.08.2023 and his representation dated 27.09.2023.

For Petitioner : Mr.A.Prasanna Rajadurai

For Respondents : Mr.S.RA.Ramachandran,
Addl. Government Pleader for R1 & R2.
Mr.A.Albert James,
Government Advocate for R3.

ORDER

Heard the learned counsel for the writ petitioner, the learned Additional Government Pleader for the respondents 1 and 2 and the learned Government Advocate for the third respondent. Issuance of notice to the fourth respondent is dispensed with.



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2.The petitioner had obtained an order in his favour from the Maintenance Tribunal. When the petitioner approached the third respondent to grant him protection in terms of the said order, the third respondent is said to have informed the petitioner that since the fourth respondent's appeal is pending before the District Collector, they cannot interfere in the matter.

3.Under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, only a senior citizen or parent can file an appeal and the son of the parent or senior citizen cannot file any appeal. This is well settled. Therefore, the third respondent will ignore any such submission made by the fourth respondent and act as per the statutory scheme and in terms of the order dated 08.08.2023 passed by the Maintenance Tribunal. In other words, so long as the order dated 08.08.2023 is holding good, the official respondents are bound to act in terms thereof. Of course, passing of this order will not in any way preclude the fourth respondent from challenging the order dated 08.08.2023 by filing a writ petition.



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4.This writ petition is allowed on these terms. No costs.

Consequently, connected miscellaneous petition is closed.

29.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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