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W.P. No. 948 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 948 of 2024

and

W.M.P. No. 991 of 2024

G.Rajesh

... Petitioner

-VS-

1. The Revenue Divisional Officer and Maintenance Officer,
Coimbatore (South),
Coimbatore.

2. S.Govindarajan

3. Savithri

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records relating to the Proceedings dated 25.11.2023 made in D.Dis No. 5963/2023 A1 on the file of the Revenue Divisional Officer and Maintenance Officer, Coimbatore (South) Division, Coimbatore, First Respondent herein and to quash the same.

For Petitioner : Mr. A.V.Arun

For Respondent : Mr. B.Vijay,
Additional Government Pleader (for R1)



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ORDER

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Heard Mr. A.V.Arun, Learned Counsel for the Petitioner and Mr. B.Vijay, Learned Additional Government Pleader, who takes notice for the First Respondent, and perused the materials placed on record, apart from the pleadings of the parties.

2. Having regard to the nature of order proposed to be passed in the Writ Petition, which would not cause any prejudice to the Second and Third Respondents, notice to them is dispensed with.

3. The Second and Third Respondents, who are husband and wife, had made an application dated 03.07.2023 under Sections 4 to 9 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as 'the Act' for short) before the First Respondent claiming maintenance from the Petitioner, who is their son. The First Respondent by Proceedings No. Pa. Mu. 5963/2023/A1 dated 25.11.2023 directed the Petitioner to pay a sum of Rs. 10,000/- every month to the Second and Third Respondents towards maintenance, which is challenged in this Writ Petition.



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4. It is strenuously contended by Learned Counsel for the Petitioner that the First Respondent has directed maintenance of Rs. 10,000/- every month to be paid by the Petitioner to the Second and Third Respondents at their mere asking without conducting proper enquiry as to their actual needs and other sources of income available to them. It is highlighted that the Second Respondent had sold a property for a sale consideration of Rs. 1,07,00,000/- as reflected in the sale-deed dated 27.06.2022 executed by him registered as Document No. 7004/2022 in the Office of the Sub-Registrar, Gandhipuram, Coimbatore from which necessary inference could be drawn that the financial support from the Petitioner is not required for the Second and Third Respondents.

5. The Act is a beneficent legislation by the Welfare State intended to protect parents, who have become 'senior citizens', by their children and a maximum ceiling of Rs. 10,000/- per month has been fixed, which is reasonable, and cannot be considered as mulcting any unbearable liability. The Petitioner in this case, admittedly, had been working abroad and has sufficient means to carry out his unexceptionable obligations to his parents. In that view of the matter, this Court is not inclined to entertain this Writ Petition to interfere with the decision-making process of the First Respondent in the



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exercise of discretionary powers of judicial review under Article 226 of the Constitution.

In the result, the Writ Petition, which is devoid of merits, is dismissed.

Consequently, the connected Miscellaneous Petition is closed. No costs.

18.01.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 22.05.2024.

vjt

To

The Revenue Divisional Officer and Maintenance Officer,
Coimbatore (South),
Coimbatore.



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P.D. AUDIKESAVALU, J.

vjt

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