



WEB COPY



W.P. No. 3358 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2024

CORAM

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

W.P. No. 3358 of 2024

and

W.M.P. No. 3623 of 2024

P.Kumaraswamy

... Petitioner

-VS-

1. The District Collector cum the Appellate Tribunal
Maintenance and Welfare of Parents and Senior Citizens Act,
Office of the Collectorate,
Coimbatore District.
2. The Revenue Divisional Officer cum the Presiding Officer
Maintenance and Welfare of Parents and Senior Citizens Act,
Office of South Coimbatore Revenue Divisional Officer,
Coimbatore District.
3. Kannammal @ Pongiyammal
4. The Sub-Registrar,
Office of Sub-Registrar,
Sulur,
Coimbatore District.
5. The Tahsildar,
Taluk Office,
Sulur,
Coimbatore District.

... 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 of the impugned order Na. Ka. No. 16292/2022/U2 dated 28.08.2023 passed by the First Respondent confirming the impugned order Pa. Mu. 3959/2020/A1 dated 06.06.2022 passed by the Second Respondent and quash the same.



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For Petitioner : Mr. S.Umapathy
For Respondents : Mr. S.J.Mohamed Sathik,
Government Advocate
(for R1, R2, R4 & R5)

ORDER

Heard Mr. S.Umapathy, Learned Counsel for the Petitioner and Mr. S.J.Mohamed Sathik, Learned Government Advocate, who takes notice for the First, Second, Fourth and Fifth Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The First Respondent by Order in order Na. Ka. No. 16292/2022/U2 dated 28.08.2023 had rejected the appeal preferred by the Petitioner under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as 'the Act' for short) against the Order in Pa. Mu. 3959/2020/A1 dated 06.06.2022 passed by the Second Respondent cancelling the Settlement-Deed dated 04.11.2016 executed by the Third Respondent in favour of the Petitioner (registered as Document No. 11429 of 2016 in the office of the Sub-Registrar, Sular), in the exercise of powers under Section 23 of the Act, which is challenged in this Writ Petition.



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3. The Division Bench of this Court in the authoritative pronouncement in *K.Raju -vs- Union of India* [(2021) 2 CTC 129] has ruled that the plain language of Section 16 of the Act is clear that it is only a 'Senior Citizen' or 'Parent' could invoke the right of appeal under that legal provision, and none else could avail such remedy.

3. In view of the same, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition reserving the rights of the Petitioner to challenge the Order in Pa. Mu. 3959/2020/A1 dated 06.06.2022 passed by the Second Respondent before the proper forum in the manner recognized by law and he has made an endorsement to that effect in the court record.

In the result, the Writ Petition is dismissed as withdrawn with the aforesaid clarifications. Consequently, the connected Miscellaneous Petition is closed. No costs.

16.02.2024

Index: Yes/No

NCC: Yes/No

Note: (i) Issue order copy by 22.03.2024.

(ii) Registry is directed to return the impugned order under written acknowledgment after retaining a copy of the same for record.

vjt



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To

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Office of the Collectorate,
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2. The Revenue Divisional Officer cum the Presiding Officer
Maintenance and Welfare of Parents and Senior Citizens Act,
Office of South Coimbatore Revenue Divisional Officer,
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P.D. AUDIKESAVALU, J.

vjt

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