



W.P. No. 4957 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2024

CORAM

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

W.P. No. 4957 of 2024

and

W.M.P. Nos. 5439 and 5440 of 2024

K.S. Sridhar

... Petitioner

-VS-

1. The Appellate Authority under
Maintenance and Welfare of
Parents and Senior Citizens Act, 2007,
District Collector,
Office of the District Collector,
Tiruvallur.

2. The Officer under Maintenance and Welfare of
Parents and Senior Citizens Act, 2007,
Revenue Divisional Officer,
Ponneri,
Thiruvallur District.

3. Baskar

4. Manoharan

5. P.Pramila

6. B.Vanitha

... Respondents



W.P. No. 4957 of 2024

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order No. Se.Mu.Na.Ka.No.839/A1/2023 dated 05.09.2023 passed by the First Respondent and quash the same and consequently, declaring the order passed by the Second Respondent dated 13.10.1021 in Mu.Mu.1987/17/AA1 under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is ultra vires of Section 23 of the Said Act.

For Petitioner : Dr. P.Vasudevan

For Respondents : Mr. S.J.Mohamed Sathik (for R1 and R2)
Government Advocate

ORDER

Heard Dr. P.Vasudevan, Learned Counsel for the Petitioner and Mr. S.J.Mohamed Sathik, Learned Government Advocate for the First and Second Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. The father of the Fourth Respondent, viz., V.Prakasam, who is a Senior Citizen, had executed a settlement-deed dated 13.03.2020 registered as Document No.1265 of 2020 in the office of the Sub-Registrar, Gummidipoondi transferring his property in favour of the Fourth Respondent. The Petitioner had



W.P. No. 4957 of 2024

subsequently purchased that property from the Fourth Respondent by sale-deed dated 29.03.2021 registered as Document No. 2269 of 2021 in the office of the Sub-Registrar, Gummudipoondi. The Second Respondent by order in Mu.Mu.1987/17/AA1 dated 13.10.2021 in an application made by the said V.Prakasam under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as 'the Act' for short) had declared that settlement-deed to be void without even making the Petitioner as a party to the proceedings. The Petitioner had preferred appeal against that order before the First Respondent under Section 16 of the Act, which has been rejected by order in Se.Mu.Na.Ka. No. 839/A1/2023 dated 05.09.2023 holding that except senior citizens, none else would be entitled to invoke that legal provision, which is assailed in this Writ Petition.

3. As the aforesaid view taken by the First Respondent in the impugned order is fortified by the decision of the Division Bench of this Court in ***K.Raju -vs- Union of India*** [(2021) 2 CTC 129], Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition reserving the right of the Petitioner to work out his remedies to challenge the order 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.



W.P. No. 4957 of 2024

WEB COPY In fine, the Writ Petition is dismissed as withdrawn with the aforesaid clarifications. Consequently, connected Miscellaneous Petitions are closed. No costs.

01.03.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 22.03.2024.

gsa

To

1. The Appellate Authority under
Maintenance and Welfare of
Parents and Senior Citizens Act, 2007,
District Collector,
Office of the District Collector,
Tiruvallur.
2. The Officer under Maintenance and Welfare of
Parents and Senior Citizens Act, 2007,
Revenue Divisional Officer,
Ponneri, Thiruvallur District.



WEB COPY



W.P. No. 4957 of 2024

P.D. AUDIKESAVALU, J.

gsa

W.P. No. 4957 of 2024

01.03.2024