



W.P.No.11159 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.11159 of 2024

Lakshmi @ Lakshmiyammal

... Petitioner

Vs.

- 1.The District Collector,
Welfare of Parents and Senior Citizen and
Administrative Tribunal Office of Welfare Act,
Coimbatore
- 2.The Sub Divisional Executive Magistrate &
The Sub Collector,
Pollachi,
Coimbatore District
- 3.The Deputy Superintendent of Police,
Pollachi,
Coimbatore District
- 4.The Tahsildar,
Pollachi,
Coimbatore District
- 5.The Inspector of Police,
Town East Police Station,
Pollachi,
Coimbatore District
- 6.S.R.Kalaimani Devi @ S.R.Kalamani
- 7.Sakthivel
- 8.Radhakrishnan
- 9.Premalatha

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of



W.P.No.11159 of 2024

India praying to issue a writ of certiorari calling for the entire records in relation to the order passed by the second respondent in Na.Ka.No.4765/2023/A1 dated 26.06.2023 and confirmed by the first respondent in Na.Ka.No.1263191/2023/U2 dated 08.02.2024, quash the same insofar as dismissal of complaint to cancel the settlement deed executed by the petitioner in favour of 6th respondent herein.

For Petitioner : Mr.C.Veeraraghavan

For Respondents

For R1,2 &4 : Mr.P.Gurunathan,
Additional Government Pleader

For R3 & 5 : Mr.A.Gopinath,
Government Advocate(Crl.side)

For R6 : Mr.M.N.Balakrishnan

For R7 : Mr.S.Sithirai Anandam

For R8 : Mr.R.K.Gunasekar

For R9 : No appearance

ORDER

This writ petition has been filed challenging the order dated 26.06.2023 passed by the second respondent, which was confirmed by the first respondent by order dated dated 08.02.2024, thereby ordered to pay maintenance of Rs.10,000/-(each) by respondents 6 to 9 herein.



W.P.No.11159 of 2024

WEB COPY

2. It is seen that the petitioner's husband died due to Covid 19 on 23.10.2020. The petitioner had settled the subject property in favour of the sixth respondent on 10.02.2000. After demise of her husband, the petitioner was not maintained by the sixth respondent. Right now, she is staying with the eighth respondent. Therefore, the petitioner filed complaint under Section 23 (1) of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 before the second respondent. The second respondent passed order thereby directed the respondents 6 to 9 herein to pay maintenance of sum of Rs.10,000/-(each) to the petitioner instead of cancelling the settlement deed executed in favour of the sixth respondent. Aggrieved by the same, appeal was filed before the first respondent and the same was also dismissed and confirmed the order passed by the second respondent.

3. The learned counsel for the petitioner would submit that as directed by the second respondent, except the eighth respondent, the respondents 6, 7 & 9 are not paying any maintenance to the petitioner.



W.P.No.11159 of 2024

4. The learned counsel appearing for the sixth respondent would submit that she is ready to maintain the petitioner by paying a sum of Rs.10,000/- per month.

5. At this juncture, the learned counsel appearing for the seventh respondent also submitted that the respondents 7 & 9 are willing maintain the petitioner by paying Rs.10,000/- per month.

6. In view of the above submission, respondents 6 to 9 are directed to comply with the impugned order passed by the second respondent. However, if the sixth respondent fails to comply with the order passed by the second respondent, the settlement deed executed in favour of the sixth respondent shall stand automatically cancelled.

7. With the above directions, this writ petition is disposed of. There shall be no order as to costs.

07.08.2024

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
lok

To

4/6



W.P.No.11159 of 2024

- 1.The District Collector,
Welfare of Parents and Senior Citizen and
Administrative Tribunal Office of Welfare Act,
Coimbatore
- 2.The Sub Divisional Executive Magistrate &
The Sub Collector,
Pollachi,
Coimbatore District
- 3.The Deputy Superintendent of Police,
Pollachi,
Coimbatore District
- 4.The Tahsildar,
Pollachi,
Coimbatore District
- 5.The Inspector of Police,
Town East Police Station,
Pollachi,
Coimbatore District



WEB COPY



W.P.No.11159 of 2024

G.K.ILANTHIRAIYAN, J.

lok

W.P.No.11159 of 2024

07.08.2024