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W.P. No. 7664 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2024

CORAM

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

W.P. No. 7664 of 2024

and

W.M.P. No. 8578 of 2024

K.Ravishankar

... Petitioner

-VS-

1. The District Collector
Coimbatore.
 2. The Sub-Divisional Magistrate
cum Sub Collector
Pollachi, Coimbatore.
 3. Tamizhselvi
 4. Padmamadeswari
- Respondents

...

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 relating to the impugned appeal order vide Pa.Mu. No.1578712/2023/O2 dated 07.02.2024 passed by the First Respondent, quash the same.

For Petitioner : Mr. R.Kannan

For Respondents : Mr. P.Sathish,
Additional Government Pleader



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(for R1 & R2)

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ORDER

Heard Mr. R.Kannan, Learned Counsel for the Petitioner and Mr. P.Sathish, Learned Additional Government Pleader who takes notice for the First and Second Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The First Respondent by Order in Pa. Mu. No. 1578710/2023/Vu2 dated 07.02.2024 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 Na. Ka. No. 941/2023/A1 dated 05.10.2023 passed by the Second Respondent directing the Petitioner to pay a sum of Rs. 10,000/- every month to the Third Respondent and her husband towards maintenance in the exercise of powers under Section 4 of the Act, which is challenged in this Writ Petition.

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



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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.

4. 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 Na. Ka. No. 941/2023/A1 dated 05.10.2023 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 Petitions are closed. No costs.

22.03.2024

Index: Yes/No

NCC: Yes/No

Note: (i) Issue order copy by 17.04.2024.

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

Maya

To



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Coimbatore.



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2. The Sub-Divisional Magistrate
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Pollachi, Coimbatore.



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P.D. AUDIKESAVALU, J.

Maya

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22.03.2024