



W.P.No.11361 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2025

CORAM:

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

W.P.No.11361 of 2024
and W.M.P.No.12463 of 2024

S.Anubama

... Petitioner

-Vs-

1. The Sub-Collector, Chengalpattu,
The Senior Citizens
and Parents Maintenance
and Welfare Tribunal Cum Sub Collector-Chengalpattu,
Revenue Divisional Office,
VOC Nagar, Ammanambakkam,
Chengalpattu 603 001.

2. K.Pushpa

3. K.Bharanikumar

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records pertaining to the impugned order dated 12.03.2024 passed by the first respondent herein in Na.Ka.No.A1/2437/2023 against the petitioner, quash the same as illegal, arbitrary, unsustainable and without jurisdiction.

For Petitioner	: Dr.S.Diraviam Dinesh
For R1	: Mr.S.Rajesh
	Government Advocate
For R2 and R3	: Mr.S.Seenivasan

ORDER



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This Writ Petition has been filed challenging the impugned order in Na.Ka.No.A1/2437/2023 dated 12.03.2024 passed by the first respondent herein under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The learned counsel for the petitioner would submit that though the petitioner was born through one Poongothai and Kesavan, the said Poongothai died, immediately after giving birth to the petitioner. The second respondent, who is being the sister of the said Poongothai, claims to be the wife of the petitioner's father and also gave birth to the third respondent. She never nurtured or raised the petitioner. Even till today, the second respondent has never taken care of the petitioner. Now the second and third respondents are living in the ground floor of the property owned by the petitioner's father. In the same premises, the petitioner and her family members are living in the first floor. That apart, the second respondent is one of the Director of the Company which is run by the third respondent. She is well off and has no need to seek maintenance from the petitioner. Even assuming that the second respondent is



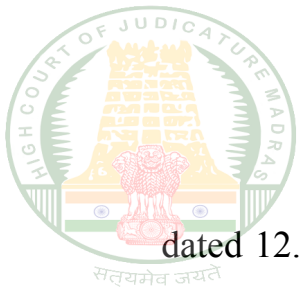
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the step mother of the petitioner, the petitioner is not liable to pay maintenance,

since she is well off and she is taking care of herself and the third respondent herein, who is her own son without any financial trouble. Further, the petitioner also disputed the legal heirship certificate obtained by the second and third respondents, as if they are also the legal heirs of the deceased Kesavan. However, the first respondent did not consider the documents which were produced by the petitioner while deciding the complaint lodged by the second respondent under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act.

4. The learned counsel for the second and third respondents would submit that the second respondent was the one to take care of the petitioner from her childhood. Even till the death of her husband viz., Kesavan, due to Covid-19, all were under the same roof and there is no denial of relationship that the second respondent is the wife of Kesavan and she also gave birth to the third respondent herein. Hence, the order passed by the first respondent is liable to be sustained.

5. In view of the above, the impugned order cannot be sustained and is liable to quashed. Accordingly, the impugned order in Na.Ka.No.A1/2437/2023



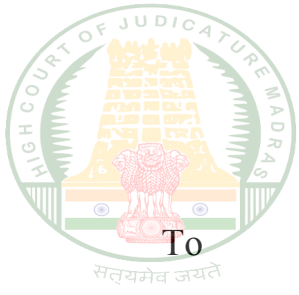
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dated 12.03.2024 passed by the first respondent herein, is hereby quashed. The matter is remanded back to the first respondent for fresh consideration. The first respondent is directed to issue fresh notice to the petitioner and the respondents herein, after giving an opportunity of hearing to them, pass orders on merits and in accordance with law, without being influenced by any of the observations made by this Court, within a period of twelve weeks thereafter.

6. With the above directions, this writ petition stands allowed. Consequently, connected Miscellaneous petition is closed. No costs.

10.09.2025
(2/2)

Internet: Yes
Index : Yes/No
Neutral Citation: Yes/No
Speaking/Non Speaking order
mn



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To

WEB COPY

The Sub-Collector, Chengalpattu,
The Senior Citizens
and Parents Maintenance
and Welfare Tribunal Cum Sub Collector-Chengalpattu,
Revenue Divisional Office,
VOC Nagar, Ammanambakkam,
Chengalpattu 603 001.



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G.K.ILANTHIRAIYAN. J.

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