



W.P.No.19554 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.19554 of 2021
and
W.M.P. No.20838 of 2021

M.Thirumurugan

... Petitioner

Vs

1. The Collector-cum-District Magistrate,
Karaikal,
Karaikal District.

2. The Presiding Officer,
Deputy Collector (Rev)-cum-Sub-Divisional Magistrate,
Karaikal,
Karaikal District.

3. P.Munusamy

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the impugned order in M.C.No.277/2018 dated 16.12.2019 passed by the first respondent confirming the order passed by the second respondent in M.C.No.277/2018 dated 22.08.2019 and quash the same.



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For Petitioner : Mr.A.E.Lakshmi Narayanan

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

Mr.M.Muthukannan (for R3)

ORDER

This Writ Petition has been filed challenging the order passed by the first respondent dated 16.12.2019, thereby confirming the order dated 22.08.2019 passed by the second respondent.

2. The third respondent had three sons and the petitioner is one of the son. According to the petitioner, he is a coolie and he was earning daily wages of Rs.400/- per day. The petitioner has two children and wife. The third respondent had returned from Singapore and he was running a pawn broking shop and then he deserted the petitioner's mother and got married another woman, viz., Gunasundari. Through the second wife, he begot a daughter. Therefore, the third respondent is living with the second wife and daughter. While that being so, the third respondent filed a Maintenance Case in M.C.No.277 of 2018 before the second respondent under the



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Maintenance and Welfare of Parents and Senior Citizens Act, 2007 for maintenance as against the petitioner and two of his brothers. After considering the facts and circumstances and also evidence, the second respondent ordered a sum of Rs.2,000/- payable by the petitioner and two of his brothers each as monthly maintenance to the third respondent. Aggrieved by the said order, the petitioner preferred an appeal before the first respondent and the same was dismissed, confirming the order passed by the second respondent on the ground that the appeal is not maintainable.

3. The only ground raised by the petitioner is that the third respondent entered into second marriage and he is living with the second wife. The petitioner is a coolie and he is not having much income to maintain his father.

4. On a perusal of the records, it reveals that the third respondent has filed a petition seeking maintenance under Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. After due enquiry, the second respondent ordered for monthly maintenance payable by the



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petitioner at Rs.2,000/- in favour of the third respondent. The petitioner being the son of the third respondent, is duty bound to maintain his own father. Therefore, this Court finds no infirmity or illegality in the orders passed by the first and second respondents and the Writ Petition is devoid of merits.

5. In fine, the Writ Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

22.04.2024

Index:Yes/No
Neutral Citation/Yes/No
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To

1. The Collector-cum-District Magistrate,
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Karaikal District.
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G.K.ILANTHIRAIYAN, J.

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