



W.P.No.20896 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2024

CORAM :

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

W.P.No.20896 of 2021

and

W.M.P.No.22163 of 2021

G.Marimuthu

...Petitioner

-Vs-

1.The District Collector,  
Thiruppur

2.The Revenue Divisional Officer,  
Udumalaipettai,  
Thiruppur District

3.Gurusamy

...Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the production of the records relating to the order dated 30.07.2021 made in MU.MU.20706/2020/E1 passed by the 1<sup>st</sup> respondent and quash the same.

For petitioner

: Mr.S.Senthilnathan

For Respondents 1 & 2

: Mr.S.J.Mohamed Sathik  
Government Advocate



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## **ORDER**

This writ petition has been filed challenging the order passed by the first respondent dated 30.07.2021 thereby confirmed the order passed by the 2nd respondent thereby directed the petitioner to pay a sum of Rs.2,000/- as monthly maintenance.

2. The petitioner is none other than the son of the 3rd respondent. The petitioner failed to maintain the 3rd respondent. Therefore, the 3rd respondent filed an application under Tamilnadu Maintenance and Welfare of Parents and Senior Citizens Rules, 2007 alleging that the 3rd respondent had purchased property by way of registered sale deed dated 04.02.2002 and constructed a house. Thereafter, he was driven out from the house by the petitioner. Considering the nature of allegations, the 2nd respondent ordered to pay monthly maintenance of Rs.2,000/- per month payable by the petitioner to the 3rd respondent. Aggrieved by the same, the petitioner filed an appeal before the 1st respondent and the same was dismissed. Now, this



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writ petition has been filed challenging the order passed by the first respondent that too without challenging the order passed by the 2nd respondent. No appeal has been maintainable before the 1st respondent as against the order passed by the 2nd respondent. It is relevant to extract the provision under Section 16 of the Tamilnadu Maintenance and Welfare of Parents and Senior Citizens Rules, 2007 :

*"16. Appeals*

*Any senior citizen or a parent, as the case may be, aggrieved by an order of a Tribunal may, within sixty days from the date of the order, prefer an appeal to the Appellate Tribunal:*

*Provided that on appeal, the children or relative who is required to pay any amount in terms of such maintenance order shall continue to pay to such parent the amount so ordered, in the manner directed by the Appellate Tribunal.*

*Provided further that the Appellate Tribunal may, entertain the appeal after the expiry of the said period of sixty days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.*

*(2) On receipt of an appeal, the Appellate Tribunal shall, cause a notice to be served upon the respondent.*

*(3) The appellate tribunal may call for the records in the proceedings from the Tribunal against whose order the appeal is*



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*preferred.*

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*(4) The Appellate Tribunal may, after examining the appeal and the records called for either allow or reject the appeal.*

*(5) The Appellate Tribunal shall, adjudicate and decide upon the appeal filed against the order of the Tribunal and the order of the Appellate Tribunal shall be final:*

*Provided that no appeal shall be rejected unless an opportunity has been given to both the parties of being heard in person or through a duly authorized representative.*

*(6) The Appellate Tribunal shall make an endeavor to pronounce its order in writing within one month of the receipt of an appeal.*

*(7) A copy of every order made under sub-section (5) shall be sent to both the parties free of cost.*

3. Aggrieved person or senior citizen, as the case may be, aggrieved by an order passed by the 2nd respondent can file appeal before the appellate authority within a period of sixty days. Whereas, the petitioner's appeal is not maintainable before the 1st respondent. That apart, the 2nd respondent ordered only meager amount for maintenance i.e., Rs.2,000/-.



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4. Therefore, this court cannot find any infirmity or illegality in the order passed by the first respondent dated 30.07.2021. Hence, this writ petition is devoid of merits and liable to be dismissed. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

23.04.2024

Index : Yes/No  
Speaking/Non-Speaking order  
Neutral Citation : Yes/No  
gvn

**To**

- 1.The District Collector,  
Thiruppur
- 2.The Revenue Divisional Officer,  
Udumalaipettai,  
Thiruppur District



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**G.K.ILANTHIRAIYAN,J.**  
gvn

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