



W.P. No. 21727 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2024

CORAM

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

W.P. No. 21727 of 2023

Sarabegum

... Petitioner

-VS-

1. The Chairperson-Cum-District Collector,
Appellate Tribunal Under the Maintenance
and Welfare of Parents and Senior Citizens,
District Collector Office,
Ariyalur District.
2. The Presiding Office-Cum-Revenue Divisional Officer (RDO),
Tribunal under Maintenance and Welfare of Parents and Senior Citizens,
Ariyalur,
Ariyalur Taluk and District.
3. Maideen Pitchai
4. Saiyed Sultan Ibrahim

... 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 of the order dated 31.03.2023 passed by the First Respondent-The Chairperson-Cum-District Collector, Appellate Tribunal under Maintenance and Welfare of Parents and Senior Citizens Act and quash the same as illegal and consequently direct the First Respondent to give direction to the Third



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Respondent to permit the monetary support, if refused to take care the
Petitioner, liberty may be granted to the Petitioner to submit an application for
cancellation of documents which were executed in the name of the Third
Respondent by the Petitioner's husband.

For Petitioner : Mr. R.Venkatesulu
For Respondents : Mr. S.J.Mohamed Sathik,
Government Advocate (for R1 & R2)
Mr. B.Mahendra Naidu (for R3)
No appearance (for R4)

ORDER

Heard Mr. R.Venkatesulu, Learned Counsel for the Petitioner,
Mr. S.J.Mohamed Sathik, Learned Government Advocate appearing for the
First and Second Respondents and Mr. B.Mahendra Naidu, Learned Counsel
for the Third Respondent and perused the materials placed on record, apart
from the pleadings of the parties.

2. The Petitioner, who is a Senior Citizen, had made an application under
the Maintenance and Welfare of Parents and Senior Citizens Act, 2007
(hereinafter referred to as 'the Act' for short) seeking certain reliefs before the



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Second Respondent, who had declined to grant the reliefs claimed, but directed maintenance to be paid to her by the Third and Fourth Respondents, and has been confirmed in appeal under Section 16 of the Act by Order in Na. Ka. E2/1340/2023 dated 31.03.2023 passed by the First Respondent. The said orders are challenged in this Writ Petition.

3. Learned Counsel for the Petitioner submits that the Petitioner had not made any application for cancellation of settlement-deed executed by her husband transferring the property in favour of the Third and Fourth Respondents in respect of which she seeks relief in the present Writ Petition. As such relief had not been sought in the proceedings before the Second Respondent, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition reserving the rights of the Petitioner to claim appropriate relief before the proper forum either under the Act or any other law, and work out her rights for the same in the manner recognized by law and he has made an endorsement to that effect in the court record.



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In fine, the Writ Petition is dismissed as withdrawn with the aforesaid clarification. It is needless to add here that while considering any relief sought by the Petitioner, the concerned authority shall not be influenced or inhibited by the impugned orders. No costs.

22.01.2024

Index: Yes/No

NCC: Yes/No

Note: (i) Issue order copy by 22.03.2024.

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

vjt

To

1. The Chairperson-Cum-District Collector,
Appellate Tribunal Under the Maintenance
and Welfare of Parents and Senior Citizens,
District Collector Office,
Ariyalur District.
2. The Presiding Office-Cum-Revenue Divisional Officer (RDO),
Tribunal under Maintenance and Welfare of Parents and Senior Citizens,
Ariyalur,
Ariyalur Taluk and District.



WEB COPY



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P.D. AUDIKESAVALU, J.

vjt

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