



WEB COPY



W.P.No.22803 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.22803 of 2022

And

W.M.P.No.26118 of 2024

Kanagarathinam

... Petitioner

Vs.

1.The District Collector,
Salem District,
Salem.

2.The Sub Collector,
Mettur Dam,
Salem.

3.K.Govindarajan

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent in Ref.No.Na.Ka.No.4575/2022/C2, dated 13.06.2022 and order of the second respondent in his proceedings No.Mu.Mu.642/2021/D, dated 31.12.2021 and quash the same and consequently directing the third respondent to pay a sum of Rs.10,000/- as maintenance to the petitioner every 05th of calendar month.

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For Petitioner : Mr.B.Kumarasamy
For Respondents : Mr.U.Baranidharan for R1 and R2
Additional Government Pleader
Mr.J.Prithvi for R3

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records of the first respondent in Ref.No.Na.Ka.No.4575/2022/C2, dated 13.06.2022 and order of the second respondent in his proceedings No.Mu.Mu.642/2021/D, dated 31.12.2021 and quash the same and consequently directing the third respondent to pay a sum of Rs.10,000/- as maintenance to the petitioner every 05th of calendar month.

2.The learned counsel appearing for the petitioner submitted that during the pendancy of this petition, the petitioner has died and further submitted that the other legal heirs of the petitioner has filed petition seeking to substitute them in the writ petition as petitioners 2 and 3.

3.The deceased petitioner had made application before the second respondent under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 seeking to cancel the settlement deed dated



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21.10.2019 and 15.02.2020 and to take appropriate action against the third respondent and the second respondent after conducting enquiry, passed order dated 31.12.2021 rejecting her request to cancel the documents and aggrieved by the same, the deceased petitioner filed appeal before the first respondent and the first respondent without conducting proper enquiry, passed order dated 13.06.2022 and directed the third respondent to pay a meagre sum of Rs.3,000/- per month to her and aggrieved by the same, the deceased petitioner has filed this writ petition.

4.The deceased petitioner is a Senior Citizen and aggrieved by the maintenance amount, she has filed this writ petition. The other legal heirs are not entitled to claim maintenance from their brother. Hence, the substitution petition is mis-conceived and the same is closed.

5.The writ petition is dismissed as abated. No costs. The connected miscellaneous petition is closed.

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

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M.DHANDAPANI,J.
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To

- 1.The District Collector,
Salem District,
Salem.
- 2.The Sub Collector,
Mettur Dam,
Salem.

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