



W.P.No.22057 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2024

CORAM:

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

W.P.No.22057 of 2024
and W.M.P.Nos.24035 and 24036 of 2024

Mohanakannan

... Petitioner

-Vs-

1. The District Collector / Appellate Authority,
(Under The Maintenance And Welfare
Of Parents And Senior Citizens Act, 2007)
District Collectorate,
Railway Station Road, Coimbatore 641 018.
2. The Revenue Divisional Officer,
Coimbatore South Taluk,
District Collectorate,
Railway Station Road, Coimbatore 641 018.

3. Rukmini

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorari, to call for records pertaining to the impugned Order dated 14.03.2024 vide Pa.Mu.No. 1243666/2023/U2 passed by the first respondent and quash the same as it is against the principal of natural justice.



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For Petitioner : Mr.K.Vasanthanayagan
For R1 and R2 : Mr.P.Gurunathan
Additional Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 14.03.2024, thereby ordered maintenance in favour of the third respondent.

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

3. The petitioner is the son of the third respondent. The petitioner's father and mother owned house situated in Door No.26, West Street, Kumarapalayam, Annoor Taluk, Coimbatore. The petitioner's father also owned agricultural land comprised in S.No.399/4D to an extent of 0.27.5 hectares, S.No.399/6 to an extent of 1.73.5 hectares, S.No.398/1 to an extent of 0.73.0 hectares, S.No.399/5 to an extent of 0.18.0 hectares with Well and in S.No.399/5 to an extent of 800 sq.ft.

4. While being so, the petitioner's father fell ill and he was bed



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riden. At that juncture, on 20.01.2023, the petitioner had take him to the Register Office and on coercion, settled all the properties in his favour. Thereafter, the petitioner also driven out the third respondent from the house, who is none other than his mother. Therefore, the third respondent filed a complaint under Section 23 of the Maintenance and Welfare of Senior Citizens Act, 2007 before the second respondent. After enquiry, the second respondent partly allowed the complaint, thereby directed the petitioner to pay a sum of Rs.5000/- as monthly maintenance to the third respondent instead of cancelling the settlement deed executed in favour of the petitioner. Aggrieved by the same, the petitioner preferred an appeal before the first respondent and the first respondent enhanced the maintenance amount as Rs.10,000/- payable by the petitioner in favour of the third respondent.

5. The learned counsel for the petitioner would submit that the third respondent is also living in the portion of the very same house and the petitioner is now maintaining the third respondent.

6. Whereas, a perusal of the statement of the third respondent



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revealed that it is unfortunate to state that after the demise of her husband, she was driven out from her residence for the reason that the entire property was settled in his favour. The petitioner is the only son and as such, the third respondent is unable to stay in her daughter's house.

7. Considering the above, the first respondent had rightly enhanced the maintenance amount of Rs.10,000/- payable by the petitioner to the third respondent and this Court finds no infirmity or illegality in the order passed by the first respondent and the writ petition is devoid of merits and is liable to be dismissed.

8. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petitions are closed. No costs.

06.08.2024

Internet: Yes
Index : Yes/No
Neutral Citation: Yes/No
Speaking/Non Speaking order
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G.K.ILANTHIRAIYAN. J.

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