



W.P. No. 23595 of 2022

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2024

CORAM

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

W.P. No. 23595 of 2022
and
W.M.P. No. 22562 of 2022

S. Harikrishnan

... Petitioner

-VS-

1. The District Collector,
Collectorate,
Tiruppur District.
2. The Executive Magistrate and Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Tiruppur District.
3. The Protection Officer,
District Social Welfare Office,
Tiruppur.
4. Rajammal

... 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 3rd respondent's proceedings vide Na.Ka.No.1288/paa a/2022 dated 23.08.2022 quash the same, and direct the 1st respondent to dispose the



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petitioner's appeal dated 18.04.2022 under Sec.16 of Maintenance and Welfare of parents and Senior Citizen Act, 2007 against order of 2nd Respondent's order vide Na.Ka.No.1211/2022/E3 dated 30.03.2022.

For Petitioner : Mr. P. Saravanan

For Respondents : Mr. S.Balamurugan,
Government Advocate (for R1 to R3)

Mr. V. Anandamoorthy (for R4)

ORDER

Heard Mr. P.Saravanan, Learned Counsel for the Petitioner, Mr. S.Balamurugan, Learned Government Advocate, Learned Government Advocate appearing for the First to Third Respondents and Mr. V.Anandamoorthy, Learned Counsel for the Fourth Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Second Respondent by Proceedings in Na.Ka. No. 1211/2022/E3 dated 30.03.2022 in the exercise of powers conferred by the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as 'the Act' for short) had directed the Fourth Respondent, who is a Senior Citizen, to be restored in possession of her residential house situated at No. 56-A, Nehru



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Street, Avinashi Taluk, Tiruppur District, from where she has been thrown out

by the Petitioner, who is her son, and the Third Respondent by proceedings in

Na.Ka. No. 1288/paa a/2022 dated 23.08.2022 required the Petitioner to

comply with that order within a period of 7 days from the date of its receipt.

The Petitioner has preferred an appeal against the aforesaid order passed by the

Second Respondent before the First Respondent under Section 16 of the Act

and seeks expeditious disposal of the same in this Writ Petition, apart from

challenging the order passed by the Third Respondent.

3. As the Division Bench of this Court in the decision in ***K.Raju -vs- Union of India*** [(2021) 2 CTC 129] has held that except senior citizens, none else would be entitled to prefer appeal under Section 16 of the Act, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition reserving the right of the Petitioner to work out his remedies to challenge the order passed by the Second Respondent before the proper forum 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 clarifications. Consequently, connected Miscellaneous Petition is closed. 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.

gsa

To

1. The District Collector,
Collectorate,
Tiruppur District.
2. The Executive Magistrate and Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Tiruppur District.
3. The Protection Officer,
District Social Welfare Office,
Tiruppur.



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P.D. AUDIKESAVALU, J.

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