



W.P.No.273 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2024

CORAM:

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

W.P.No.273 of 2024 and
WMP.No.342 of 2024

Kalaivanan

... Petitioner

Vs.

1.The Revenue Divisional officer,
Coimbatore South,
Coimbatore

2.The Inspector of Police,
Karumathampatti Police Station,
Coimbatore

3.Subramaniam

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of certiorari calling for the records relating to the impugned proceedings of the first respondent herein passed in Pa.Mu.4058/2023/A1 dated 29.05.2023 on the file of the first respondent herein, quash the same.

For Petitioner : Mr.M.Marudhachalam

For Respondents

For R1 : Mr.P.Gurunathan,
Additional Government Pleader



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For R2 : Mr.R.Kishore Kumar,
Government Advocate(Crl.side)

For R3 : Mr.S.Balaji

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 29.05.2023 thereby ordered to pay maintenance of Rs.5,000/- in favour of the third respondent.

2. The third respondent is the father of the petitioner herein. He is 59 years old and he owned property comprised in SF.No.558/8, 561/1 admeasuring 4.60 acres situated at Karumathampatti Vellage, Sulur Taluk, Coimbatore District. The property original belonged to the petitioner's grandfather and he had two sons. Out of the total extent, his grandfather had executed sale deed in favour of the third respondent to an extent of 2.30 acres by the sale deed dated 25.03.1992 registered vide document Nos.1193 and 1194 of 1992. Subsequently, remaining land was also released in favour of the third respondent. A portion of the property was settled in favour of the petitioner's mother by the third



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respondent by the settlement deed dated 02.02.1996 registered vide document No.466 of 1996. The third respondent and the petitioner's mother are not in possession and enjoyment of the remaining property i.e. in respect of property admeasuring 2.30 acres . The petitioner fell in love with a woman belongs to other community and got married. Therefore, in order to wreak vengeance against the petitioner, the third respondent had executed Will in respect of the remaining property dated 05.01.2017 in favour of the Prapancha Amaithi Seva Ashram and registered vide document no.5 of 2017. That apart, the third respondent lodged complaint under Section 23 of Maintenance And Welfare Of Parents And Senior Citizens Act, 2007 before the first respondent as if he could not able to maintain himself and the petitioner failed to maintain him.

3. On perusal of records revealed that the third respondent has 16 nos. of power looms and he is earning more than Rs.60,000/- per month. He is also having agricultural income from the coconut grove to the tune of Rs.30,000/- per month. The petitioner also produced income tax returns of the third respondent for the year 2020-2022. It revealed



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that the third respondent has sufficient income. On the other hand, since the petitioner had love marriage, he has been left out by the third respondent and he is earning through food supply service. Senior citizen only can maintain the complaint under Section 23 of Maintenance And Welfare Of Parents And Senior Citizens Act, 2007. That apart, the third respondent is earning sufficient income from the power looms as well as from agricultural property.

4. In view of the above, the impugned order passed by the first respondent is liable to be quashed. Accordingly, the impugned order of the first respondent in Pa.Mu.4058/2023/A1 dated 29.05.2023 is quashed and this writ petition is allowed. However, after attainment of age of 60 years, the third respondent is at liberty to lodge a fresh complaint. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

25.10.2024

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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To

- 1.The Revenue Divisional officer,
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G.K.ILANTHIRAIYAN, J.

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