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W.P.No.28704 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

CORAM

THE HON'BLE MR. JUSTICE G.K. ILANTHIRAIYAN

W.P.No.28704 of 2024

Saraswathi

... Petitioner

Vs.

1.Revenue Divisional Officer,
Virudhachalam Sub Division,
Cuddalore District.

2.Thirumathi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records in connection with impugned order made in Mu.Mu.(A2)/3766/2023 passed by the first respondent dated 24.05.2024 and quash the same as illegal and consequently directing the first respondent to pass a fresh order in accordance with Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

For Petitioner : Mr.M.Velmurugan

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

Mr.A.Velmurugan for R2



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ORDER

The writ petition has been filed as against the order passed by the first respondent dated 24.05.2024, whereby the first respondent dismissed the complaint filed by the petitioner under Sections 24 and 25 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

2.It is seen that there is a statutory remedy by way of appeal, provided under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 against the order passed by the Revenue Divisional Officer, the first respondent herein. It is relevant to extract Section 16 of the above act as under:

'16. Appeals. Any senior citizen or a parent, as the case may be, aggrieved by an order of a Tribunal may, within sixty days from the date of the order, prefer an appeal to the Appellate Tribunal:

Provided that on appeal, the children or relative who is required to pay any amount in terms of such maintenance order shall continue to pay to such parent the amount so ordered, in the manner directed by the Appellate Tribunal:

Provided further that the Appellate Tribunal may, entertain the appeal after the expiry of the said period of



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sixty days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

(2)On receipt of an appeal, the Appellate Tribunal shall, cause a notice to be served upon the respondent.

(3)The Appellate Tribunal may call for the record of proceedings from the Tribunal against whose order the appeal is preferred.

(4)The Appellate Tribunal may, after examining the appeal and the records called for either allow or reject the appeal.

(5)The Appellate Tribunal shall, adjudicate and decide upon the appeal filed against the order of the Tribunal and the order of the Appellate Tribunal shall be final:Provided that no appeal shall be rejected unless an opportunity has been given to both the parties of being heard in person or through a duly authorised representative.

(6)The Appellate Tribunal shall make an endeavour to pronounce its order in writing within one month of the receipt of an appeal.

(7)A copy of every order made under sub-section (5) shall be sent to both the parties free of cost.'

3. Without expressing any opinion on the merits of the matter, this Court, grants liberty to the petitioner to approach the appropriate forum



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G.K. ILANTHIRAIYAN. J.,

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seeking her remedy by way of filing an appeal under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, within a period of two weeks from the date of receipt of a copy of this order.

4. With the above observation, this writ petition is dismissed. No costs.

25.10.2024

Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case: Yes / No
ab

To

Revenue Divisional Officer,
Virudhachalam Sub Division,
Cuddalore District.

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