



WEB COPY



W.P.No.30623 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

CORAM

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

W.P.No.30623 of 2024
and
W.M.P.No.33229 of 2024

K.Sridhar

.... Petitioner

Vs

1.The Revenue Divisional Officer,
Coimbatore North,
Coimbatore.

2. A.Chinnamal

3. K.Varalakshmi

.... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records of the 1st respondent impugned proceeding of Summon in Na.Ka. No.2564/2024/A1 dated 12.08.2024 and quash the same as devoid of merits and hit under the Principle of Res judicata and the matter is subjudiced in the Civil Court and consequently directing the 1st respondent to direct the 2nd respondent to work out the remedy in the pending Civil Suit in O.S.No.408 of 2024 on the file of the District Munsif of Coimbatore.



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For Petitioner : Mr.A.Haja Mohideen
For Respondents : Mr.P.Gurunathan
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the summon issued by the first respondent on the complaint lodged by the second respondent herein under Section 23 of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 (hereinafter referred to as the “Act”).

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

3. It is seen that the second respondent executed a settlement deed in favour of the petitioner in order to maintain her by the the petitioner. Though the second respondent is the petitioner's mother's sister, she executed a settlement deed in favour of the petitioner. Subsequently, the petitioner failed to maintain the second respondent and as such, the second respondent lodged a complaint under Section 23 of the Act. Therefore, the complaint is very much maintainable under Section 23 of the Act. That apart, the petitioner was directed to appear



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before the first respondent on 11.09.2024. Accordingly, the petitioner entered appearance through his counsel.

4. In view of the above, the first respondent is directed to dispose of the complaint lodged by the second respondent, after giving an opportunity of hearing to the petitioner as well as the second and third respondents, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition stands disposed of. Consequently, connected miscellaneous petition is closed.
No costs.

19.10.2024

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
Lpp

To

The Revenue Divisional Officer,
Coimbatore North,
Coimbatore.



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G.K.ILANTHIRAIYAN, J.

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