

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 26.07.2024****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P.(MD)No.8784 of 2024 AND****W.M.P.(MD)No.8010 of 2024**

TNG.Saravanan

... Petitioner

Vs.

1. The District Collector cum
the Chairman of Appellate Tribunal,
(Under Maintenance and Welfare of Parents
and Senior Citizens Act, 2007),
Pudukkottai,
Pudukkottai District.
2. The Revenue Divisional Officer cum
The Chairman of Sub Divisional Tribunal,
(Under Maintenance and Welfare of Parents
and Senior Citizens Act, 2007),
Pudukkottai,
Pudukkottai District.
3. The Inspector of Police,
Ganesh Nagar police station,
Pudukkottai District.
4. Govindarajan

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the first respondent by his proceedings in Na.Ka.C6/E-1281172/2023 dated 15.03.2024 confirming the order passed by the second respondent in Mu.Mu.2161/2023/A6 dated 08.08.2023 and quash the same.



For Petitioner : Mrs.Prabha,
for Mr.D.Rameshkumar.

For R-1 & R-2 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader.

For R-3 : Mr.A.Albert James,
Government Advocate.

For R-4 : Mr.A.Prasanna Rajadurai

* * *

ORDER

Heard the learned counsel on either side.

2.The petitioner is none other than the son of the fourth respondent. By the impugned order dated 08.08.2023, the Maintenance Tribunal has ordered eviction against the petitioner herein. Questioning the same, the petitioner filed an appeal before the District Collector, Pudukkottai. Such an appeal was not maintainable. Under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, only a parent or senior citizen can file an appeal. The petitioner could not have filed an appeal. Instead of dismissing the appeal on that short ground, the first respondent by speaking order dated 15.03.2024 confirmed the order of the Maintenance Tribunal.



3.The learned counsel appearing for the petitioner draws my attention to the order dated 07.01.2021 made in W.P.(MD)No.12354 of 2020 where I had held that an order of eviction cannot be passed by the Maintenance Tribunal. I have no hesitation in admitting that I was wrong. Though there were divergent views, the controversy was laid to rest in **2020 SCC Online SC 1023 (S.Vanitha Vs. Deputy Commissioner)**. I had followed the said judgment vide order dated 20.01.2023 in W.P.(MD)No.26219 of 2022. It is now recognized that the Maintenance Tribunal has the power to order eviction.

4.There is no dispute that the title over the property is in the name of the fourth respondent. The petitioner's counsel would state that the fourth respondent owned ancestral properties and by selling the same, the petition-mentioned property was purchased. If that be so, this is a matter to be established only before the jurisdictional civil Court. The Maintenance Tribunal cannot be expected to go into this aspect. I, therefore sustain the impugned orders. However, I would expect the fourth respondent to have some concern for the petitioner's condition. The petitioner is not a stranger. He is the son of the fourth respondent. The petitioner's health condition appears to have deteriorated. It is also



stated that he is presently homeless. If the petitioner approaches the fourth respondent, I do hope that the fourth respondent will show some accommodation.

5. With this observation, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

26.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

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W.P.(MD)NO.8784 OF 2024



WEB COPY



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G.R.SWAMINATHAN,J.

PMU

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26.07.2024