



W.P(MD)No.14032 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.01.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14032 of 2020

and

W.M.P(MD)Nos.11691, 11693 & 14619 of 2020

S.Ganesan

... Petitioner

Vs.

- 1.The District Collector,
Dindigul District,
Velunachiyar Campus,
Collectorate,
Dindigul,
Dindigul District.
- 2.The District Social Welfare Officer,
Acted as Appellate Tribunal /
Maintenance and Welfare of Parents and
Senior Citizens Act, 2007,
Dindigul,
Dindigul District.
- 3.The Sub Divisional Magistrate,
Revenue Divisional Officer,
Dindigul,
As the Chairman / Presiding Officer,



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Maintenance and Welfare of Parents and
Senior Citizens Act, 2007,
Dindigul,
Dindigul District.

4.S.Subbammal

5.Samiyappan

6.The Tahsildar,
Athoor Taluk,
Dindugul West Taluk,
Dindigul District.

7.The Revenue Inspector,
Seevalsaragu Village,
Dindugul West Taluk,
Dindigul District.

8.The Inspector of Police,
Sempatti Police Station,
Dindigul District.

***(R.6 to R.8 were impleaded vide order
of this Court dated 17.12.2020 made in
W.M.P(MD)No.14613 of 2020)***

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the entire records relating to the impugned proceedings of the second respondent dated 10.03.2020 passed in No.Na.Ka.A.1390/2018/Pa.A, confirming the proceedings of the third respondent dated 05.03.2019 passed in Mu.Mu.No. 9821/2018/A1, and quash the same.



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For Petitioner : Mr.A.Saravanan
For Respondents : Mr.T.Villavankothai
Additional Government Pleader
for R.1 to R.3 & R.6 to R.8

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the official respondents. The parents of the writ petitioner who have been shown as the respondents 4 and 5 have not been served so far.

2.The parents of the petitioner obtained an eviction order from the Maintenance Tribunal. The same is put to challenge in this writ petition. The learned counsel for the petitioner states that the parents have sold the property to the third party.

3.If the petitioner's parents are still the title holders of the property, the impugned order can be enforced against the petitioner by the Maintenance Tribunal. If the property has been sold, it is not open to the subsequent purchaser to enforce the impugned order. This is because the



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Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is meant for the protection of the rights of the parents / senior citizens alone and not that of the subsequent purchaser.

4. With this clarification and observation, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

03.01.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

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G.R.SWAMINATHAN, J.

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