



W.P(MD)No.19865 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.19865 of 2020

and

W.M.P.(MD)No.16549 of 2020

A.Kandhasamy

... Petitioner

Vs.

1.The District Collector,
District Collectorate,
Dindigul,
Dindigul District.

2.The Sub Collector cum
Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Dindigul District.

3.The Tahsildar,
Natham Taluk Office,
Dindigul,
Dindigul District.

4.Veerammal

... 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 records pertaining to the impugned Notice in Na.Ka.No. 1396/2020/A1 dated 19/11/2020 on the file of 2nd Respondent, and quash the same as illegal.



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For Petitioner : Mr.S.Rajasekar

For Respondents : Mr.S.Kameswaran
Government Advocate for R1 to R3

: Mr.J.Lawrance for R4

ORDER

Heard both sides.

2. The petitioner is the son of the fourth respondent. The fourth respondent approached the maintenance tribunal for relief. The maintenance tribunal issued the impugned notice calling the petitioner for enquiry. Challenging the same, the present writ petition came to be filed.

3. The learned counsel for the petitioner would state that the second respondent will not have any jurisdiction. Since no order had been passed, I do not want to go into the merits of the matter. It is after all an issue between the mother and the son. What is challenged is a mere notice. Notice by itself does not affect the rights of the petitioner. He can very well place his objection before the second respondent. The writ petition is disposed of by directing the petitioner and the fourth respondent to appear before the second respondent on 12.02.2024 at 03.00 pm. The second respondent will enquire both the parties and pass final order on merits and in accordance with law within a period of



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two months thereafter. The issue is left entirely to the discretion of the maintenance tribunal. The maintenance tribunal is bound to take into account the objections to be lodged by the petitioner and deal with them while passing a final order.

4. The Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

12.01.2024

Index : Yes / No
Internet : Yes/ No
rmi

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G.R.SWAMINATHAN, J.

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