



W.P(MD).No.19395 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD).No.19395 of 2024

Subbaiya

... Petitioner

Vs.,

1.The District Collector,
Appellate Tribunal Authority understanding
Maintenance and Welfare of Parents and Senior
Citizens Act, 2007 Viruthunagar,
Viruthunagar District.

2.The Revenue Divisional Officer/Sub Collector,
Tribunal Authority under Maintenance and
Welfare of Parents and Senior Citizens Act, 2007,
Virudhunagar, Virudhunagar District.

3.The Inspector of Police,
Town Police Station,
Srivilliputhur Town,
Viruthunagar District.

4.Kaliyanandi
5.Kaliyanandi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 1 and 2 enforce the maintenance order



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passed by the first respondent in his proceedings Na.Ka.C4/137/2021 dated 01.11.2021 against order passed by the second respondent in O.Mu.No.A2/3847/2020 dated 27.10.2020 under the provision of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 to give force and effect to recover the same under Section 128 in Chapter IX of Criminal Procedure Code from the fourth and fifth respondents.

For Petitioner : Mr.R.Jegadeeswaran

For Respondents : Mr.D.Sadiq Raja (For R1 to R3)
Additional Government Pleader

ORDER

This writ petition has been filed seeking for issuance of Writ of Mandamus directing the respondents 1 and 2 to enforce the maintenance order passed by the first respondent in his proceedings Na.Ka.C4/137/2021 dated 01.11.2021.

2. Heard the learned counsel for the petitioner and the learned Additional Government Advocate appearing for the respondents 1 to 3. Notice was served to the private respondents and the same was returned as 'unclaimed'.



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3. The case of the petitioner is that he is the father of the respondents 4 and 5. Since the respondents 4 and 5 started to neglect the petitioner to maintain, the petitioner lodged a complaint before the second respondent under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as 'Act' for brevity). After enquiry, the second respondent passed order directing the respondents 4 and 5 to pay a sum of Rs.1000/- per month as maintenance to the petitioner. Aggrieved over the same, the petitioner filed an appeal before the first respondent and the same was disposed of in Na.Ka.No.C4/137/2021, dated 01.11.2021 directing the respondents 4 and 5 to pay a sum of Rs.5,000/- per month as maintenance to the petitioner. But, the respondents 4 and 5 has not complied with the said order. Hence, the petitioner is before this Court.

4. Considering the facts and circumstances of the case, if the maintenance amount has not been paid, the very object and purpose of the Act will be defeated. Therefore, as per Section 11 of the Act, the maintenance order has to be enforced by the authority concerned. Accordingly, the first respondent is directed to enforce the maintenance order made in Na.Ka.No.C4/137/2021, dated



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01.11.2021. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition is disposed of. No costs.

04.09.2024

NCC : Yes/No
Index : Yes/No
Rmk

To

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N.SATHISH KUMAR, J.

Rmk

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