



W.P.(MD) No.3696 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

**W.P.(MD) No.3696 of 2017
and
W.M.P.(MD) Nos.2968 and 6687 of 2017**

M.Veeramani

... Petitioner

/vs./

1.The Sub Divisional Administrative Magistrate cum
Revenue Divisional Officer,
Pattukottai Taluk,
Thanjavur District.

2.Balasubramanian

3.Murugesan

4.K.Rajendran

5.K.Nirmala

6.K.Saroja

7.M.Mallika

8.M.Raja

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9.M.Ananthi

10.M.Nishanthi

11.M.Manimahalai

12.M.Kamachi

13.M.Vasuki

14.Ganeshan

15.Sathiyamoorthy

16.Rajendran

*(R3 to R16 have been impleaded
vide order dated 23.10.2017)*

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the order passed by the first respondent in his proceedings No.Na.Ka.115/2016/A-3 dated 30.01.2017 on the file of the first respondent quash the same.

For Petitioner	: Mr.D.Srinivasaragavan
For R1	: Mr.J.K.Jeyaselan
	Government Advocate
For R2	: Mr.A.Haja Mohideen
For R4 to R6	: Mr.S.Deenadhayalan
For R7, R8 & R12 to R16	: No appearance



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ORDER

The challenge in the writ petition is the order passed by the first respondent in his proceedings in Na.Ka.No.115/2016/A-3 dated 30.01.2017.

2. The order impugned had been passed under the provisions of the Maintenance and Welfare of Parents and Senior Citizenship Act, 2007.

3. A reading of the impugned order would indicate that the first respondent himself had noted that there is no power to order payment of maintenance as against the petitioner and the sons of the brother of the second respondent. In spite of having given such finding, the first respondent had proceeded to sympathetically consider the case of the second respondent and had directed the payment of part rent received from 4 shops. The same was also the subject matter of the suit in O.S.No.38 of 2015 on the file of the Principal District Court, Thanjavur. Thereafter, the said suit had been transferred to the III Additional District Court, Pattukottai and by judgment and decree dated 18.03.2019, the second respondent has been benefited with the partition decree. However, an appeal suit is also pending against the same.



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4. In the present circumstances of the case, since the first respondent himself has categorically held that he had no authority to pass such an order, he had proceeded to pass the said order only on humanity ground. When a statute provides who would be liable to pay the maintenance of the parents/senior citizens, the authority cannot order payment of such maintenance by any other person other than the persons, who have been listed to be liable to pay the same. Therefore, the order impugned in this writ petition is contrary to the provisions of the said Act.

5. For the aforesaid reasons, the order impugned in this writ petition is liable to be set aside and is accordingly set aside. In fine, the Writ Petition stands allowed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
Internet : Yes / No
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To

The Sub Divisional Administrative Magistrate cum
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K.KUMARESH BABU, J.

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