



W.P.(MD).No.26179 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.26179 of 2024

A.Santhosh Nadar

... Petitioner

Vs

1. The District Collector,
Office of the District Collector,
Virudhunagar District.

2. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sivakasi Revenue Division,
Viruthunagar District.

3. The Tahsildar,
Office of the Tahsildar,
Rajapalayam Taluk,
Viruthunagar District.

4. Shri Pounsamy

5. Shri Chandran

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent No. 1 to expeditiously complete the proceedings in Na.Ka.No. C4/2-59/2024 and



W.P.(MD).No.26179 of 2024

consequently direct to provide appropriate maintenance and other remedies to the petitioner in accordance with law within the time stipulated by this Court.

For Petitioner : Mr. Dr.R.Alagumani

For Respondents : Mr.D.S.Nedunchelizan (R1-R3)
Government Advocate

ORDER

The present writ petition has been filed seeking a direction to the to respondent No. 1 to expeditiously complete the proceedings in Na.Ka.No. C4/2-59/2024 and consequently direct to provide appropriate maintenance and other remedies to the petitioner in accordance with law.

2.By consent of both parties, considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself and notice to the respondents 4 and 5 is dispensed with.

3.Heard, the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 to 3. Perused the materials on record.



W.P.(MD).No.26179 of 2024

WEB COPY

4(i).It is submitted by the learned counsel for the petitioner that the respondents 4 and 5 are the sons of the petitioner, who is a Senior Citizen. The petitioner had already settled the properties in favour of the 4th respondent. However, he was not taken care by the 4th respondent in his old age. Hence, he made an application before the second respondent seeking to direct the respondents 4 and 5 to provide him with maintenance. Since the same was not considered, he had filed a petition in W.P(MD) No.8043 of 2024.

(ii).This Court vide order, dated 17.07.2024 dispose of the aforesaid writ petition by directing the second respondent to pass orders on merits in accordance with law. Pursuant to the same, the second respondent had considered the plight/application of the petitioner, passed an order directing the 4th respondent to pay a sum of Rs.9,000/- per month and 5th respondent to pay a sum of Rs.1,000/- per month as a maintenance to the petitioner.

(iii).However, in the aforesaid order, there is no whisper about the cancellation of settlement deed, which was executed by the petitioner in favour of the 4th respondent. Hence, the petitioner has preferred an appeal, dated



W.P.(MD).No.26179 of 2024

21.08.2024 under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, to enhance the maintenance amount and consider his request to cancel the settlement deed, dated 14.06.2022, executed by him in favour of the fourth respondent. However, without disposing of the said appeal and without considering the age of the petitioner, who is 91 years old, the first respondent has issued summons only on 24.03.2024 requiring the petitioner, the respondents 4 and 5 and other children of the petitioner to appear before him on 09.10.2024 for conducting an enquiry for the purpose of disposing the appeal. Hence, this writ petition has been filed.

5.This Court is of the considered view that the appeal submitted under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 has to be dealt with by the jurisdictional District Collector as expeditiously as possible without allowing the senior citizen to suffer in penury and disgust during their old age. Considering the fact that the said enactment is a Welfare Act and the application filed, if any, has to be disposed of within a period of one month from the date of receipt of application/appeal from the senior citizen, in terms of Section 16(6) of the aforesaid Act.



W.P.(MD).No.26179 of 2024

WEB COPY

6.In view of the aforesaid facts, this Court condemning the act of the first respondent for non-disposing of the appeal filed by the petitioner within the mandated time, this Court hereby direct the first respondent to dispose of the appeal proceedings in Na.Ka.No. C4/2-59/2024 and consequently, direct the respondents 4 and 5 to provide the petitioner with the prescribed maintenance amount and other remedies. The first respondent shall make sure that the respondents 4 and 5 did not commit any default in the payment of maintenance amount in future. In case of any default by the respondents 4 and 5, the settlement deed which has been executed by the petitioner would stand automatically cancelled.

7.Accordingly, this writ petition stands allowed. There shall be no order as to costs.

04.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM



W.P.(MD).No.26179 of 2024

To

1. The District Collector,
Office of the District Collector,
Virudhunagar District.

2. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sivakasi Revenue Division,
Virudhunagar District.

3. The Tahsildar,
Office of the Tahsildar,
Rajapalayam Taluk,
Virudhunagar District.



WEB COPY



W.P.(MD).No.26179 of 2024

L.VICTORIA GOWRI, J.

PNM

**ORDER IN
W.P.(MD).No.26179 of 2024**

04.11.2024