



W.P(MD)No.26470 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.26470 of 2024

and

W.M.P(MD)No.22415 of 2024

T.Muthukumar

... Petitioner

Vs.

1.The Appellate Authority of Tribunal
for Maintenance and Welfare of Parents and
Senior Citizens / The District Collector,
Tirunelveli,
Tirunelveli District.

2.The Authority of Tribunal for Maintenance
and Welfare of Parents and Senior Citizens /
The Sub Collector,
Cheranmahadevi,
Tirunelveli District.

3.Thangaraj

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directing the first
respondent to dispose the appeal Number:1708/A1/2023 on the file of the
first respondent within a stipulated time frame as fixed by this Court.

1/5



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For Petitioner : Mr.Aayiram K.Selvakumar
For Respondents : Mr.S.Kameswaran
Government Advocate
for R.1 & R.2

ORDER

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 and 2. Considering the nature of relief to be granted, issuance of notice to the third respondent is dispensed with.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The third respondent is the father of the petitioner. Apart from the petitioner, the third respondent is blessed with yet another son and three daughters. All of them are well settled. The third respondent had already made an application under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, before the second respondent. The same was considered by the second respondent and an order was passed on 11.08.2023 in which the petitioner was directed to pay a sum



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of Rs.10,000/- per month as maintenance to the third respondent.

Challenging the same, the third respondent had preferred an appeal before the first respondent and the first respondent has passed an interim order dated 06.11.2023 confirming the order passed by the second respondent till the final orders are pronounced by the first respondent in the appeal. Aggrieved by the interim order passed by the first respondent, this writ petition came to be filed seeking this Court to direct the first respondent to dispose of the appeal as expeditiously as possible.

4. Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 deals with appeal remedy. Sub Clause 6 of the aforesaid Section provides that, whatever appeal preferred, the appellate Tribunal should be disposed of within a period of one month. However, in the instant case, even after a lapse of one month the matter is kept pending.

5. In view of the same, this Court hereby direct the first respondent to dispose of the appeal bearing Appeal Number:1708/A1/2023 on the file of the first respondent within a period of two weeks from the date of receipt of a copy of this order.



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6. This Writ Petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

05.11.2024

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

To

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Tirunelveli District.

2.The Authority of Tribunal for Maintenance
and Welfare of Parents and Senior Citizens /
The Sub Collector,
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L.VICTORIA GOWRI, J.

MGA

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and
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