



W.P(MD)No.26858 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2024

CORAM

THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.26858 of 2024

Kokila

... Petitioner

Vs

1.The District Collector,
District Collector Office,
Trichy District.

2.The Revenue Divisional Officer,
Revenue Divisional Officer's Office,
Trichy District.

3.Saravanan

4.Nanthakumar

5.Punitha

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 1st respondent to dispose the pending Appeal proceedings made in Na.Ka.G1/244997/2024, dated 16.09.2024 preferred by the 5th respondent, within a stipulated period as may be fixed by this Court.

For Petitioner : Mr.R.Sakthivel

For Respondents : M/s.D.S.Neduncheliyan
Government Advocate for R1 & R2



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ORDER

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The prayer of the writ petition is as follows:

This writ petition has been filed for issuance of a writ of Mandamus, directing the 1st respondent to dispose the pending Appeal proceedings made in Na.Ka.G1/244997/2024, dated 16.09.2024 preferred by the 5th respondent.

2.Heard Mr.R.Sakthivel, the learned Counsel appearing for the petitioner and Mr.D.S.Neduncheliyan, the learned Government Advocate appearing for the respondents. Carefully perused the materials available on record.

3.The petitioner is a widowed senior citizen suffering age related ailments. After the death of her husband she was living with her children in Trichy. Trusting that her children, who are the third to fifth respondents herein would take care of her, she had executed the settlement deed with respect to her property in their favour on 19.05.2014 at Joint-3 Registrar Office, Trichy in document No.1703 of 2014. Thereafter, the attitude of her children changed and in due course of time, they had fully deserted her and have deserted her without taking care of the petitioner.



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4. In view of the same, she had made an application on 15.04.2024 to the second respondent under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 requiring the authorities concerned to direct the respondents 3 to 5 to maintain her and the same was allowed in favour of the petitioner by the Revenue Divisional Officer against which the fifth respondent had preferred an appeal on 16.09.2024. The first respondent has not disposed of the same, so far. In view of the same, this writ petition came to be filed.

5. Considering the fact that the Maintenance and Welfare of Parents and Senior Citizens Act, which had been enacted by the Government considering the safety and welfare of the senior citizen of this Country, the first respondent ought to have rejected the 5th respondent's appeal outrightly at the threshold of its filing recording that the appeal under Section 16(6) of the above said Act do not provide for filing an appeal by the respondent and it is only the aggrieved senior citizen or parent who could prefer an appeal under the said Act. of the same as mandated under Section 16(6) of the above said Act within 30 days from the date of filing of the said appeal.

6. Contemning the caulousness of the first respondent, this Court direct the first respondent to dispose of the same positively in favour of the petitioner within a period of two weeks from the date of receipt of a copy of this order.



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7. With the above said observations, this writ petition stands disposed of. No costs.

12.11.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR

To

1. The District Collector,
District Collector Office,
Trichy District.

2. The Revenue Divisional Officer,
Revenue Divisional Officer's Office,
Trichy District.



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L.VICTORIA GOWRI, J.

RJR

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