



*W.P.(MD)No.28553 of 2024*

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**Dated : 28.11.2024**

**CORAM:**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD)No.28553 of 2024**

**and**

**W.M.P.(MD)Nos.24208 and 24209 of 2024**

Kadhar Batcha

... Petitioner

Vs.

1.The District Collector cum,  
The Chairman of Appellate Tribunal,  
(Under Maintenance and Welfare of Parents  
and Senior Citizens Act, 2007),  
Pudukkottai,  
Pudukkottai District.

2.The Revenue Divisional Officer cum  
The Chairman of Sub Divisional Tribunal,  
(Under Maintenance and Welfare of Parents  
and Senior Citizens Act, 2007),  
Illuppur,  
Pudukkottai District.

3.Sulaiman

4.Kasim

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the impugned order passed by the first respondent by his proceedings in Na.Ka.C6/28287/2022, dated 18.05.2023 and quash the same.



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For Petitioner : Mr.D.Rameshkumar  
For Respondents 1 & 2 : Mr.T.Amjad Khan  
Government Advocate

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**ORDER**

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself. Considering the limited scope of relief sought for, notice to the respondents 3 and 4 is dispensed with.

2.Challenging the order passed by the first respondent dated 18.05.2023, this Writ Petition came to be filed.

3.Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 and 2 and carefully perused the entire materials available on record.

4.The petitioner made an application under Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, as against the respondents 3 and 4. The second respondent by order dated 31.08.2021, passed favourable orders to the petitioner. Challenging the same, the respondents 3 and 4 preferred an Appeal before the first respondent under Section 16 of the aforesaid Act. Appreciating the same, without giving an opportunity of hearing to the petitioner, the order passed by the second respondent has been cancelled by the first



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respondent. Hence, this Writ Petition is filed.

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5. Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, makes it clear that any citizen or a parent as the case may be, aggrieved by an order of Tribunal may within 16 days from the date of order prefer an Appeal to the Appellate Tribunal. However, there is no provision in the said Act for the children to prefer an Appeal. In view of the same, the first respondent ought not to have taken the Appeal on file and pass order in it.

6. Hence, the impugned order passed by the first respondent dated 18.05.2024 is hereby quashed. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

**28.11.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes  
Mrn



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**L.VICTORIA GOWRI, J.**

Mrn

To

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Pudukkottai,  
Pudukkottai District.
- 2.The Revenue Divisional Officer cum  
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