



W.P(MD)No.27399 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27399 of 2023

and

W.M.P.(MD)Nos.23535 and 23537 of 2023

K.Gopalakrishnan

... Petitioner

Vs.

1.The District Collector,
Office of the Collector,
Kanniyakumari District,
Nagercoil.

2.The Revenue Divisional Officer Cum
The Sub Collector,
Padmanabapuram,
Kanniyakumari District.

3.G.Krishnamma

4.G.Ajithkumar

5.G.Ramkumar

6.G.Ashok Kumar

7.G.Ashwanth Kumar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 1st respondent in Mu.Mu.C3/1095529/2023 dated



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30.08.2023 on the file of 1st respondent and to quash the same and further directing the respondent No. 4 to 7 to comply the order of Respondent No. 2 through proceedings in Case No.A2/O.P.No. 50/2023 dated 26.04.2023 by way of paying the monthly cost for the Angel Palace old age home.

For Petitioner : Mr.B.Muneeswaran

For Respondents : Mr.T.Villavankothai,
Addl. Government Pleader for R1 & R2.
Mr.L.Shaji Chellan for R3 to R7.

ORDER

Heard the learned counsel on either side.

2.The writ petitioner is a parent. He filed a petition before the Maintenance Tribunal and the Maintenance Tribunal awarded him Rs.15,000/- per month towards maintenance. Aggrieved by the same, the children filed appeal before the District Collector. The District Collector vide order dated 30.08.2023 reduced the maintenance amount to Rs.10,000/- per month. Challenging the same, the father has filed the present writ petition.

3.The writ petition has to be allowed on a simple ground. Under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007,



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only the parent or senior citizen can file an appeal. Appeal by the children is clearly not maintainable. The appeal was incompetent. On this sole ground, the impugned order is set aside. It appears that the petitioner's wife / Krishnamma had also joined them in filing the appeal. The petitioner states that the order of the Maintenance Tribunal is confined only against the respondents 4 to 7. The respondent 4 to 7 are given liberty to challenge the order of the Maintenance Tribunal independently.

4.The impugned order is set aside and the writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

26.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

1.The District Collector,
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Nagercoil.

2.The Revenue Divisional Officer Cum
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G.R.SWAMINATHAN, J.

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