



WEB COPY



W.P.No.14330 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2025

CORAM :

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

W.P.No.14330 of 2025 and WMP No.16125 of 2025

A.Panneer

... Petitioner

Vs.

1. The District Collector,
Singaravelan Maligai,
No.62, Rajaji Salai,
Chennai Collectorate,
Chennai – 600 001.
2. The Revenue Divisional Officer /
Sub Divisional Magistrate,
(Maintenance & Welfare of Parents
& Senior Citizens Tribunal)
South Chennai Division,
Guindy, Chennai 600 032.

3. P.Venkat

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the 2nd respondent in his proceedings No.A3/0973/2025 dated 15.04.2025 and quash the same and consequently, direct the 2nd respondent to cancel the instruments mentioned in the application dated 05.02.2025.

For Petitioner : Mr.M.R.Jothimanian for
M/s.D.R.Law Chambers

For Respondents : Mr.R.U.Dinesh Raj Kumar
Additional Government Pleader
for R1 & R2
Mr.S.Prem Auxilian Raj for R3



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ORDER

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This writ petition has been filed challenging the order passed by the 2nd respondent in his proceedings No.A3/0973/2025 dated 15.04.2025 under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short “the Act”).

2. Mr.R.U.Dinesh Raj Kumar, learned Additional Government Pleader entered appearance for the respondents 1 and 2 and Mr.S.Prem Auxilian Raj, learned counsel appeared for the 3rd respondent.

3. Today, when the matter was taken up for hearing, Mr.R.U.Dinesh Raj Kumar, learned Additional Government Pleader appearing for the respondents 1 and 2, submitted that as against the impugned order, an appeal remedy is available to the petitioner before the first respondent/District Collector under Section 16 of the Act. Without exhausting the said remedy, the petitioner has directly approached this Court by filing the present writ petition.



4. At this juncture, Mr.M.R.Jothimanian, learned counsel for the petitioner, would submit that the petitioner has been very much humiliated by the third respondent, his son and under such circumstances, in order to protect the interest of the petitioner, this Court can directly entertain this writ petition.

5. *Per contra*, Mr.S.Prem Auxilian Raj, learned counsel for the third respondent, would submit that the petitioner and the third respondent are practising senior doctors at Apollo Hospitals and the petitioner himself is having a lucrative practice and there was no need for him to claim any maintenance from the third respondent and that he had misused the provisions of the Act and initiated proceedings on the instigation of his daughter who is also the sister of the third respondent. Based on these submissions, he would seek dismissal of the writ petition.

6. The petitioner, who is the father of the third respondent, has filed a petition under the Act before the second respondent and it has been dismissed by the impugned order dated 15.04.2025. Admittedly, there is an appeal remedy available under Section 16 of the Act before the first respondent which has to be taken recourse to within a period of 60 days



and the petitioner has to exhaust the said remedy before approaching this Court. However, without filing an appeal as against the impugned order and exhausting the appeal remedy, the petitioner has straightaway approached this Court. In the considered opinion of this Court, alternative remedy has to be first exhausted before approaching this Court. Hence, this writ petition cannot be entertained.

7. The learned counsel for the petitioner submitted that the third respondent is attempting to dispose of the property.

8. In reply, the learned counsel appearing for the 3rd respondent would undertake that the third respondent will not encumber the property. This submission is recorded.

9. Considering the peculiar facts obtaining in this case, this writ petition stands disposed of with liberty to the petitioner to file an appeal as per the provisions of the Act before the first respondent / District Collector. For filing the appeal, the period of prosecuting this writ petition shall be excluded and the delay in preferring the appeal shall be condoned. The petitioner shall file an appeal, (if so advised) within a period of one



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week from the date of receipt of a copy of this order and on such filing, the first respondent shall dispose of the same on merits and in accordance with law, within a period of two weeks. No costs. Consequently, connected miscellaneous petition is closed.

10.10.2025

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes / No
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To:

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A.D.JAGADISH CHANDIRA,J.,

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