



WEB COPY



W.P.No.19262 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.19262 of 2022

And

W.M.P.No.18538 of 2022

B.Karthick

... Petitioner

Vs.

1.The District Collector,
Tiruppur District,
Tiruppur.

2.The Revenue Divisional Officer,
Udumalapet,
Tiruppur District.

3.Mani

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari call for records of the second respondent in proceeding No.Mu.Mu.2850/2021/Aa1 dated 31.01.2022 and consequent order passed by the first respondent in proceedings No. O.Mu.No.4357/2022/E1 dated 24.03.2022 and quash the same.

For Petitioner : Mr.K.T.S.Sivakumar
For Respondents : Mrs.S.Anitha for R1 and R2
Special Government Pleader
R3 – No Appearance



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ORDER

This writ petition has been filed seeking issuance of Writ of Certiorari, call for records of the second respondent in proceeding No.Mu.Mu.2850/2021/Aa1 dated 31.01.2022 and consequent order passed by the first respondent in proceedings No. O.Mu.No.4357/2022/E1 dated 24.03.2022 and quash the same.

2.The learned counsel appearing for the petitioner submitted that the petitioner is the son and the third respondent is the father. The third respondent filed complaint before the second respondent under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007/ The Tamil Nadu Maintenance and Welfare of Parents and Senior Citizen Rules, 2009, and the second respondent without giving any opportunity to the petitioner directed the petitioner to pay monthly maintenance on the sole ground that the third respondent is the biological father of the petitioner. The learned counsel further submitted that the petitioner was born through the second wife and at the instigation of first wife, false complaint was made by the third respondent and further submitted that the third respondent own several properties and have huge money with him.



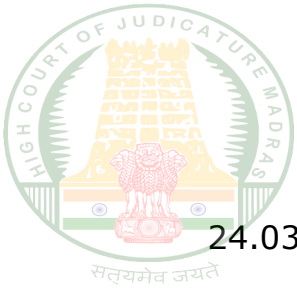
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3. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 and 2. Though the name of the third respondent was printed in the cause list, there is no representation for the third respondent. Considering the pendency of the writ petition, this Court is inclined to proceed with the case and decide the same based on the materials available on record.

4. Perusal of records disclose that the third respondent made complaint before the second respondent on 09.11.2021 and the last summon was issued to the petitioner on 14.12.2021 and the petitioner received the summon on 29.12.2021 and the second respondent passed the impugned order on 31.01.2022 and the petitioner did not take any steps to appear before the second respondent and the impugned order has been passed exparte.

5. In view of the above, in order to strike the balance, this Court set aside the order of the second respondent in proceeding No. Mu. Mu. 2850/2021/Aa1 dated 31.01.2022 and the consequent order passed by the first respondent in proceedings No. O. Mu. No. 4357/2022/E1 dated



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24.03.2022 and remand the matter back to the second respondent for fresh consideration.

6.The petitioner is directed to deposit the entire arrears of monthly maintenance amount at the rate of Rs.5,000/- per month from 09.11.2021 before the second respondent. On such deposit being made, the second respondent shall disburse the said amount to the third respondent and proceed with the enquiry and pass appropriate orders on the complaint made by the third respondent, as expeditiously as possible. The petitioner shall continue to pay a sum of Rs.5,000/- per month to the third respondent on or before 10th of every succeeding English Calender Month till the disposal of the complaint.

7.This writ petition is disposed of on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

17.09.2025

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

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To

- 1.The District Collector,
Tiruppur District,
Tiruppur.
- 2.The Revenue Divisional Officer,
Udumalapet,
Tiruppur District.



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M.DHANDAPANI,J.
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