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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2025

CORAM

THE HON'BLE MR. JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Writ Appeal No.2739 of 2024

and

Civil Miscellaneous Petition No.20063 of 2024

Mrs.A.S.Suganthi @ V.Sukanthi

... Appellant

Vs.

1.The Revenue Divisional Officer,
Thiruchengodu cum Parents,
Senior Citizens Maintenance and Welfare Tribunal,
Thiruchengode,
Namakkal District.

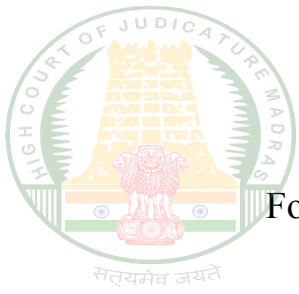
2.Mr.P.Sengodan
3.A.S.E.Angkammal

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent Act,
against the order dated 09.08.2024 in W.P.No.21020 of 2024.

For Appellant : Mr.T.Mohan, Senior Counsel
For Mr.M.Santhanaraman

For R1 : Mr.Vadivelu Deenadayalan
Additional Government Pleader



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For RR2 & 3 : Mr.S.Ilamvaludhi
For Mr.R.Hari

JUDGMENT

(Judgment of the Court was made by S.M.SUBRAMANIAM, J.)

The present intra court appeal has been instituted to assail the order dated 09.08.2024 in W.P.No.21020 of 2024.

2. The respondents 2 and 3 are the senior citizens and parents of the appellant. The senior citizens admittedly executed settlement deed in favour of their daughter/appellant.

3. Perusal of the complaint given by the senior citizens reveal several allegations are raised against the appellant. In view of the complaint, the Revenue Divisional Officer taken the complaint on file and issued summons to the appellant vide call letter dated 20.05.2024. The date of enquiry was fixed on 25.06.2024 at 4.00 P.M in the office of the Revenue Divisional Officer at Tiruchengode. The complaint and the consequential summon came to be challenged in the writ proceedings.

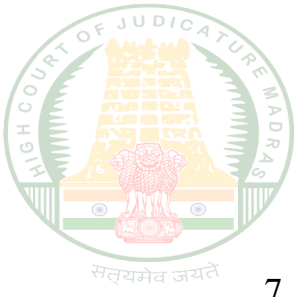
4. The writ Court considered the allegations and counter allegations



and dismissed the writ petition on the ground that the competent authority has to proceed further by conducting an enquiry and by affording opportunity to the parties and to pass final orders within a period of twelve weeks. The said writ order is under challenge in the present writ appeal.

5. Mr.T.Mohan, learned senior counsel appearing on behalf of the appellant would mainly contend that there is no *prima facie* case made out by the senior citizen for entertaining a complaint under the provisions of the Senior Citizens Act. He has raised jurisdiction point, so as to contend that the summon itself is liable to be set aside. The senior citizens, if capable of maintaining themselves, no petition under the Senior Citizens Act is entertainable.

6. The learned counsel for the respondents 2 and 3/senior citizens would oppose by stating that the allegations in the complaint are serious in nature. The senior citizens are neglected by the appellant, who is the daughter, after executing the settlement deed and therefore, the complaint came to be filed by the senior citizens to annul the settlement deed. Thus, the petition is maintainable and the writ petition filed challenging the complaint and summon has been rightly dismissed by the writ Court.



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7. This Court has considered the submissions made on behalf of the parties to the *lis*.

8. No writ against the complaint or summons are entertainable in a routine manner, unless it is issued by an authority having no jurisdiction or tainted with the allegations of malafides. Though the appellant states that the complaint is not entertainable, this Court is of the considered opinion that it is the case of senior citizens raising a complaint against their own daughter and the complaint contains several allegations and the said allegations require an adjudication on facts and with reference to the documents relied on. Such an enquiry cannot be conducted by the High Court and writ proceedings under Article 226 of the Constitution of India. The competent authorities empowered to conduct an enquiry by recording the statement of all the parties and by considering the documents, if any relied on.

9. Thus, rejecting a complaint filed by the senior citizens under the Act is not desirable. The truth behind the allegations is to be culled out by conducting an elaborate enquiry and High Court cannot conduct a rowing



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enquiry. Therefore, writ petition challenging the summon or complaint is normally not entertainable and the parties are to be granted liberty to adjudicate the issues before the competent authority at the first instance and thereafter prefer an appeal as contemplated under the Senior Citizens Act before approaching the High Court.

10. The appellant has raised several grounds and all those grounds are to be raised before the competent authority for adjudication. The allegations raised by the senior citizens are to be taken into consideration for conducting an enquiry. Opportunity is to be provided to all the parties and the competent authority shall take a decision and pass speaking orders as expeditiously as possible. However, the competent authority shall pass an order uninfluenced by the orders of this Court. All the issues can be adjudicated on merits and in accordance with law.

11. Accordingly, the writ appeal stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition also stands dismissed.

(S.M.S., J.) (K.R.S., J.)
18.03.2025

ssi

Index: Yes/No

<https://www.mhc.tn.gov.in/judis>



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Speaking Order: Yes/No
Neutral Citation Case : Yes/No

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To:

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Senior Citizens Maintenance and Welfare Tribunal,
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Namakkal District.



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