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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2025

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.33780 of 2024

K.Natarajan

.. Petitioner

Vs.

1.The District Magistrate -Cum- District Collector,
Chennai,
Chennai District.

2.The Revenue Divisional Officer,
Central Chennai,
Chennai District.

3.Kumar

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for records of the impugned order dated 20.08.2024 under Se.Mu,Na.Ka.No.1026/A1/2024 passed by the 1st respondent and to quash the same.

For Petitioner
For R1 & R2
For R3

.. Mr.P.K.Ganesh
.. Mr.M.R.Gokul Krishnan, AGP.
.. No appearance.

ORDER



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This Writ Petition has been filed in the nature of a Certiorari seeking records of an order dated 20.08.2024 in Se.Mu.Na.Ka.1026/A1/2024 passed by the 1st respondent, the District Magistrate -cum- District Collector / Appellate Authority and to quash the same.

2.The petitioner is a senior citizen and the 3rd respondent is the son. The petitioner had given an application under Section 5 of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 seeking assistance and to direct the 3rd respondent to provide maintenance. It had been stated that the petitioner was working as a temporary staff in the Tamil Nadu Legislative Assembly. His wife had died in the year 2011. His daughter had died in year 1987. His son is alone alive and has an obligation to look after the petitioner. But the son had deserted the petitioner. The petitioner is Orthopedically Handicapped with locomotor disability of 71%. He is not able to stand and walk freely. He was still thrown out of the house in the year 2020. It was under those circumstances that the petitioner had filed an application under Section 5 of the Act, seeking payment and maintenance.

3.In the order passed, the 1st respondent had directed monetary



maintenance of Rs.3,000/- and had further directed that if there is an arrear or refusal to pay the monthly maintenance amount by the 3rd respondent, then the jurisdictional police should ensure enforcement of the said order. But however, aggrieved by the quantum of the maintenance amount granted, particularly because the medical expenses are quite substantial, the petitioner has filed the present Writ Petition.

4. Pending the Writ Petition, an additional affidavit had been filed by the petitioner, wherein he had claimed that he requires a sum of Rs.4,500/- per month for the rental expense and for medical expenses Rs.3,000/- and for food and other essential expenses Rs.2,000/-. He therefore claimed that the monthly maintenance should be Rs.9,500/-.

5. Notice had been directed to the 3rd respondent. The private notice had been returned as 'unclaimed'. The Court notice was also returned as 'unclaimed' and it was noted that 'addressee absent'.

6. It is thus seen that the notice was issued to the correct address, but



the 3rd respondent had taken a conscious decision not to receive the covers which had been addressed to him. It is thus very clear that the 3rd respondent had taken a conscious decision to avoid appearance before this Court. The name and address had been printed in the cause list. Even today, when the matter is taken up for hearing, there is no appearance for the 3rd respondent.

7. Therefore, the order of the 1st respondent is revisited by this Court. It is seen that the petitioner is 70% orthopedically Handicapped. He cannot stand and walk freely. His wife has died. His daughter has also died and his son has deserted him. He requires money for medicine, food and other expenses and also to just survive. The quantum of maintenance of Rs.3,000/- would not even cover his medical expenses.

8. In view of those facts, the order of the 1st respondent is interfered with to the limited extent of maintenance amount determined and the maintenance amount is increased from Rs.3,000/- to Rs.9,000/- per month. The further direction that the jurisdictional police should ensure enforcement of the order is maintained. If there are arrears of monthly maintenance, the petitioner may give a representation to the Inspector of Police, jurisdictional



police station, to enforce the order directing payment of maintenance. Such enforcement may be in accordance with the procedure laid down by law.

9. With the above observations, this Writ Petition stands disposed of.

No costs.

10.01.2025

Index: Yes/No
Internet: Yes/No
smv

To

1. The District Magistrate -Cum- District Collector,
Chennai,
Chennai District.
2. The Revenue Divisional Officer,
Central Chennai,
Chennai District.

C.V.KARTHIKEYAN,J.



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