



WEB COPY



Writ Petition No.36790 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2025

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

Writ Petition No.36790 of 2024

T.Jayasudha

.... Petitioner

-Vs-

1.The Revenue Divisional Officer
Tiruppur.

2.T.Padmavathi

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records in Na.Ka.No.892/2024/A3 by order dated 06.09.2024 directing the petitioner to pay Rs.4,000/- per month to the 2nd respondent and quash the same.

For Petitioner : Mr.R.Ganesh

For Respondents : Mr.N.Naveen Kumar
Government Advocate for R1

Mr.N.Chinnaraj for R2



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ORDER

The Writ Petition has been filed in the nature of a Certiorari seeking records relating to an order dated 06.09.2024 in Na.Ka.No.892/2024/A3 passed by the 1st respondent, Revenue Divisional Officer, Tiruppur and to set aside the same.

2.The petitioner is a daughter of the 2nd respondent. The 2nd respondent had given a complaint before the 1st respondent under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 as against the writ petitioner herein. The 1st respondent had issued notice to the writ petitioner and the petitioner had appeared before the 1st respondent for the enquiry and had also filed a counter.

3.In the counter affidavit, it is stated by the petitioner that her brothers were making use of the 2nd respondent to the disadvantage of the writ petitioner and had instigated the 2nd respondent to file a complaint before the 1st respondent. It had been stated that the settlement deed executed by the 2nd respondent in favour of the writ petitioner, cannot be cancelled in view of the



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provisions of the Act. It had been further stated that the 2nd respondent is actually indebted to the petitioner to a sum of Rs.2,60,000/-. The learned counsel for the petitioner pointed out the letter written by the 2nd respondent in this regard and therefore, stated that the 2nd respondent will have to pay money to the petitioner and that the petitioner is not obliged to pay the maintenance amount of Rs.4,000/-.

4. Notice had been directed to the respondents and learned counsel had also entered appearance on behalf of the 2nd respondent. It is seen that the only ground on which the amount of maintenance as directed by the 1st respondent is sought to be set aside by the petitioner is that the 2nd respondent is due and payable amounts to the petitioner herein. That is a separate issue. If the 2nd respondent is due and payable amounts to the petitioner herein, then there cannot be any set off over the maintenance amount which, as a daughter, the petitioner is obliged to pay owing to her birth in the family and owing to the fact that her mother is now categorised as a senior citizen. If every paisa is to be calculated for expenses within a family then reasonably the petitioner will also have to pay to the 2nd respondent the amounts spent by the 2nd respondent and by the father

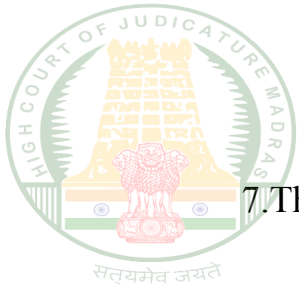


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of the petitioner towards bringing up the petitioner, towards admitting the petitioner in school, towards taking the petitioner and providing education for her, and even towards providing shelter to the petitioner atleast till she got married. This would be a never ending story of amounts being demanded and payable by one member of the family against the other member of the family. This argument is rejected by me.

5.I find no ground to interfere in the order of the 1st respondent. The amount directed to be paid is Rs.4,000/- every month. The petitioner is directed to pay the said amount from the date of application filed by the 2nd respondent to the 1st respondent. The petitioner must be satisfied that the settlement deed executed by the 2nd respondent had not been cancelled by the 1st respondent.

6.I find no reason to interfere with the order of the 1st respondent. The Writ Petition stands dismissed. If the petitioner does not come forward to pay the amounts as directed by the 1st respondent, the 1st respondent may initiate appropriate proceedings under the Revenue Recovery Act, to recover the said amounts together with interest arrears of the petitioner.



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7. The Writ Petition stands dismissed. No costs.

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Index : Yes/No
NCS : Yes/No
KP

To

The Revenue Divisional Officer
Tiruppur.



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C.V.KARTHIKEYAN.,J
KP

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