



W.P.(MD).No.5246 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 19.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5246 of 2025

and

W.M.P.(MD)No.3836 & 3839 of 2025

M.Rifoy

... Petitioner

-vs-

1. The Revenue Divisional Officer,
Tirunelveli.

2. M.Muthu Mohammed

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records pertaining to the impugned proceeding in No.A2/122/2025 dated 04.02.2025 passed by the 1st Respondent, quash the same.

For Petitioner : M/s.Spicy Law Firm

For Respondents : Mr.J.K.Jeyaseelan (R1)

Government Advocate

No appearance (R2)



W.P.(MD).No.5246 of 2025

ORDER

WEB COPY

This writ petition has been filed challenging the impugned proceedings in No.A2/122/2025 dated 04.02.2025 passed by the 1st respondent.

2. The case of the petitioner is that the second respondent father executed a settlement deed in respect of his ancestral house property in favour of the petitioner and the petitioner is taking care of the second respondent. By mortgaging the subject property, the petitioner availed loan from HDFC Bank. At the time of availing loan, the second respondent has not raised any objection for the same. Due to the dispute between the petitioner's wife and his sisters, the second respondent asked the petitioner to leave the ancestral house. In order to avoid the dispute among the family members, the petitioner also left the house and is living separately. However, the second respondent father lodged a false complaint under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, against the petitioner before the first respondent and the first respondent issued the impugned order dated 04.02.2025 directing the petitioner to appear for enquiry. Challenging the same, this writ petition came to be filed.



W.P.(MD).No.5246 of 2025

WEB COPY

3. The learned Government Advocate (Crl. side) appearing for the first respondent submits that the present impugned notice is only a show cause notice, for which, the petitioner should appear before the first respondent and on such appearance, necessary orders would be passed after conducting proper enquiry.

4. On perusal of the records, it would reveal that the notice dated 04.02.2025 is only a show cause notice and on receipt of the said show cause notice, the petitioner is supposed to appear before the first respondent for enquiry, instead, he approached this Court by way of filing this writ petition.

5. In view of the above, since the impugned notice dated 04.02.2025 is only a show cause notice, the petitioner is directed to appear before the first respondent for enquiry within a period of two weeks from the date of receipt of a copy of this order and on such appearance, the first respondent is directed to conduct proper enquiry and pass appropriate orders on merits and in accordance with law, after affording sufficient opportunity to all the parties concerned, within a period of two weeks from the date of the petitioner's appearance.



W.P.(MD).No.5246 of 2025

WEB COPY

6. With the above observations and directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

19.03.2025

NCC : Yes/No
Index : Yes / No
sm



W.P.(MD).No.5246 of 2025

WEB CTO:-

1. The Revenue Divisional Officer,
Tirunelveli.



WEB COPY



W.P.(MD).No.5246 of 2025

VIVEK KUMAR SINGH, J.

sm

Order made in
W.P.(MD)No.5246 of 2025

Dated:
19.03.2025