



W.A.(MD)No.1478 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **30.10.2025**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.A.(MD)No.1478 of 2025 &
C.M.P(MD)No.8629 of 2025

1. Sulaiman

2. Kasim

...Appellants

- Vs. -

1. Kadhar Batcha

2.The District Collector Cum
The Chairman of Appellate Tribunal,
(Under Maintenance and Welfare of Parents
and Senior Citizens Act, 2007),
Pudukkottai, Pudukkottai District.

3.The Revenue Divisional Officer Cum
the Chairman of Sub Divisional Tribunal,
(Under Maintenance and Welfare of Parents
and Senior Citizens Act, 2007),
Illuppur, Pudukkottai District.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters patent against the
order passed by this Court in W.P.(MD) No.28553 of 2024, dated
28.11.2024.



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For Appellants : Ms.G.Prabahari

For Respondents : Ms.Madhu Bala
for Mr.D.Ramesh Kumar for R1
Mr.S.P.Maharajan
Special Government Pleader for R2 & R3

JUDGEMENT

(Judgement of the Court was delivered by **C.KUMARAPPAN, J.**)

The present writ appeal has been filed against the order of the learned single Judge dated 28.11.2024 in and by which, the learned single Judge has arrived at a conclusion that the children have no right to prefer an appeal under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter called 'the Act') against the order passed by the Tribunal constituted under Section 15 of the Act.

2. The learned counsel appearing for the appellants would vehemently contend that the very nomenclature of the Act, namely, Maintenance and Welfare of Parents and Senior Citizens Act, 2007, permits the senior citizens to file an appeal under Section 16 of the Act, and the appellants though children to the first respondent, they by themselves are senior citizens as defined under Section 2(h) of the Act. Therefore, the finding rendered by the learned single Judge that the



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appellants have no right to prefer an appeal is contrary to the plain reading of the provision. Hence, prayed to allow the appeal.

3. Per contra, the said contention was stoutly objected by the learned counsel for the first respondent, and she would contend that the Division Bench of this Court in the case of *K.Raju vs. 1.Union of India and three others*, in W.P.(MD)No.29988 of 2019, dated 19.02.2021 has upheld the vires of Section 16 of the Act and categorically held that only the senior citizens and the parents can prefer an appeal under Section 16 of the Act and not the children. Hence, she would contend that there are no grounds to interfere with the impugned order. Hence, prayed to dismiss the writ appeal.

4. We have given our anxious consideration to the either side submissions.

5. In the case in hand, the first respondent, namely, one Kadhar Batcha, has two sons by name Sulaiman and Kasim, who are the appellants herein. It appears that Kadhar Batcha has executed a settlement



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deed in favour of his sons. Since they did not maintain him, he preferred a claim before the Tribunal / third respondent constituted under the Act and the third respondent ultimately granted relief in favour of Kadhar Batcha. Aggrieved with the same, the appellants herein have preferred an appeal before the Tribunal / second respondent by invoking Section 16 of the Act. The second respondent, vide order dated 18.05.2023 set aside the order of the third respondent and ordered the appellants to pay a sum of Rs.5,000/- each to the first respondent. Challenging which, the first respondent has preferred a writ petition before this Court. The learned single Judge has held that the appellants herein have no right to prefer the appeal as the Act provided appeal remedy only to the senior citizens and the parents. The said decision was fortified through the Division Bench Judgment of this Court in *K.Raju vs. 1.Union of India and three others* (supra), wherein the Division Bench has categorically held that except senior citizens and parents, no other person has got any right to prefer an appeal and there can be no room for imagination that the other persons aggrieved by the order of the Tribunal may prefer an appeal.



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confirmed, as the appellants could not make out any case to deviate from such well merited finding.

8. In the result, the Writ Appeal is dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

[A.S.M.,J.] & [C.K., J.]
30.10.2025

NCC : Yes / No

Index : Yes / No

Internet: Yes

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