



W.P.(MD) No.7077 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No.7077 of 2025
and
W.M.P.(MD) No.5335 of 2025**

C. Murugan

... Petitioner

Vs

1. The District Collector/appellate Authority,
Parents of Aged Senior
Citizens Maintenance and Welfare Act,
Collectorate,
Tirunelveli.

2. The Tribunal for Parents of Aged Senior Citizens Maintenance and
Welfare Act / Sub Collector,
Cheranmadevi.

3. Saraswathi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records relating to the impugned order of the first respondent in Appeal No.17 of 2024 on the file of District Collector / Appellate Authority Parents of Aged Senior Citizens Maintenance and



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Welfare Act, Collectorate, Tirunelveli and quash the same.

For petitioner : Mr. K.Appadurai

For respondents : Mr.D.Ghandi Raj
Special Government Pleader (Crl.Side)
for R1 & R2

ORDER

The petitioner is the son of one Saraswathi, who had initiated proceedings under provisions of Maintenance and Welfare of Parents and Senior Citizens Act before the second respondent.

2. It appears that the petitioner's mother had merely asked for cancellation of the settlement deed dated 07.08.2012 executed in favour of the petitioner, whereby 2.20 acres of land settled in favour of the petitioner. The petitioner's mother had made categorical statement that the petitioner was not maintaining the petitioner and therefore, she shall entitle to the cancellation of the aforesaid settlement deed dated 07.08.2012.



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3. The case of the petitioner before this Court is that the petitioner's mother, namely, the third respondent herein had stated that she did not want any maintenance from the petitioner, although she wanted to cancel the settlement deed dated 07.08.2012. On appeal before the first respondent, who is the appellate authority, the first respondent has directed the petitioner to pay a sum of Rs.2,000/- p.m to the third respondent/mother.

4. The learned counsel for the petitioner would submit that the petitioner is willing to take care of his mother. However, the petitioner's mother is unwilling to come and stay with him. Hence, the petitioner cannot be found fault with.

5. Heard the arguments advanced by the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 and 2.

6. Though notice on the petitioner's mother/third respondent has been served, she has not appeared.

7. If at all, only the petitioner's mother can be aggrieved by the impugned



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order of the first respondent by directing the petitioner to pay a sum of Rs.2,000/- p.m. as the prayer was for cancellation of the aforesaid settlement deed dated 07.08.2012. Therefore, merely because there is a direction to the petitioner to pay a sum of Rs.2,000/- p.m towards maintenance to the petitioner's mother, it would not mean that the petitioner can be aggrieved by the aforesaid order as it is mandatory on the part of the petitioner to maintain his mother. Further, the petitioner cannot insist that his mother has to necessarily stay with him, particularly, when the relationship strained between them. Therefore, the challenge of the impugned order is not maintainable.

8. Therefore, the Writ Petition is liable to be dismissed. It is, accordingly, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes / No
apd

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C.SARAVANAN, J.

apd

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