



W.P.(MD).No.8572 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.8572 of 2025

R.Rosalin Rajarathinam

... Petitioner

-VS-

**1. The District Collector,
Madurai,
Madurai District.**

**2. Maintenance and Welfare of Parents and Senior Citizens Tribunal,
Revenue Divisional Officer,
Thirumangalam Circle,
Madurai District.**

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, as to the 1st respondent, to direct the 2nd respondent to consider the petitioner's application dated 17.02.2025 under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 within a stipulated time frame.

For Petitioner : Mr.T.Nithes

For Respondents : Mr.C.Venkatesh Kumar

Special Government Pleader



W.P.(MD).No.8572 of 2025

ORDER

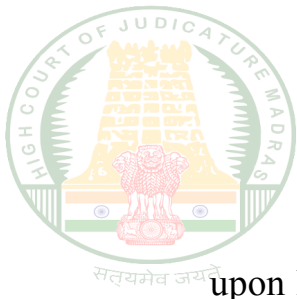
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This writ petition has been filed seeking a direction to the 2nd respondent to consider the petitioner's application dated 17.02.2025 filed under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 within a stipulated time frame by this Court.

2. By consent of both parties, this writ petition is disposed at the stage of admission itself.

3. The case of the petitioner is that her children are in USA and one Amal Stephen, who is her brother's son, assisted her in withdrawing her husband's pension and attended other requirements of day-today life. While this being so, he had taken her property as settlement and also obtained money to the tune of Rs.67 lakhs and also refused to maintain her. Therefore, the petitioner made a complaint / application to the respondents dated 17.02.2025. Since the said complaint / application was not considered, the petitioner has filed the present Writ Petition.

4. It is needless to point out that whenever a representation / application of this nature is made to a Statutory Authority, there is a duty cast



W.P.(MD).No.8572 of 2025

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upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the second respondent to consider the petitioner's complaint / application dated 17.02.2025, on its own merits and pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the respondents to consider the same on its own merits.

6. With the above observations and directions, the Writ Petition stands disposed of. There shall be no order as to costs.

01.04.2025

NCC : Yes/No
Index : Yes / No
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W.P.(MD).No.8572 of 2025

VIVEK KUMAR SINGH, J.

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TO:-

1. The District Collector,
Madurai,
Madurai District.
2. Maintenance and Welfare of Parents and Senior Citizens Tribunal,
Revenue Divisional Officer,
Thirumangalam Circle,
Madurai District.

Order made in
W.P.(MD)No.8572 of 2025

Dated:
01.04.2025