



W.P.(MD)No.12137 of 2025

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d BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.04.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE VIVEK KUMAR SINGH**

W.P.(MD)No.12137 of 2025

and

W.M.P.(MD)No.8946 of 2025

Sekar

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collectorate,
Trichy District.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Lalkudi Sub-Division,
Lalkudi Taluk,
Trichy District.
3. The Deputy Superintendent of Police,
Jeeyapuram Sub Division,
Trichy District.
4. Alamelu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order dated 21.03.2025 in Moo.Mu.A1/647/2025 passed by the 2nd respondent and quash the same



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as illegal and consequently directed the 2nd respondent to conduct re-enquiry by following the procedures prescribed under Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

For Petitioner : Mr. S. Veerapandiselvaraj
For Respondents : Mr.C. Venkatesh Kumar
Special Government Pleader (R1 & R2)
Mr. K. Gnanasekaran
Government Advocate (Crl. Side) (R3)

ORDER

This writ petition has been filed challenging the impugned order dated 21.03.2025 passed by the 2nd respondent in Moo.Mu.A1/647/2025 and for a consequential direction to the 2nd respondent to conduct re-enquiry by following the procedures prescribed under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

2. Considering the nature of the order going to be passed in this writ petition, notice to the fourth respondent is dispensed with.

3. The fourth respondent, who is the mother of the petitioner, filed a petition dated 03.02.2025 before the second respondent under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007,



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against the petitioner seeking for various reliefs, including handing over the property and maintenance to the fourth respondent and the second respondent passed an order dated 21.03.2025, directing the petitioner to vacate the house and also to hand over the same to the fourth respondent within 30 days. Challenging the same, this writ petition has been filed.

4. Heard the learned counsel on either side.

5. The petitioner contends that the petitioner is willing to maintain the fourth respondent and also to accommodate her in his house. He is also ready to pay monthly maintenance. Earlier, the fourth respondent had filed a suit in OS No.31 of 2018 for partition and the same was also dismissed on 06.12.2023. As against the same, an appeal has been filed before this Court by the fourth respondent and others and the same is also pending. However, without considering all these issues and pending appeal, the second respondent simply passed the impugned order.

6. In view of the above submissions, the order dated 21.03.2025 impugned in this writ petition is liable to be quashed and accordingly, the impugned order dated 21.03.2025, is quashed. The matter is remanded



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back to the second respondent for a fresh consideration. The second respondent shall consider the case of the petitioner afresh and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner and the fourth respondent, within a period of three months from the date of receipt of a copy of this order.

7. With the above directions, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

28.04.2025

Index : Yes / No

NCC : Yes / No

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VIVEK KUMAR SINGH, J.

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