

W.P.(MD)No.12143 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **25.04.2025**

CORAM:

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

W.P.(MD)No.12143 of 2025
and
W.M.P.(MD)No.8949 of 2025

M.Ramalakshmi

... Petitioner

-VS-

1. Revenue Divisional Officer,
Parents and Senior Citizen, Maintenance and Welfare Tribunal,
Kovilpatti,
Thoothukudi District.

2. Poongothai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records of the impugned order passed by 1st respondent vide proceedings in Moo.Mu.M.Aar/13232/2024 dated 28.02.2025 to quash the same.

For Petitioner : Mr.V.Vishnu

For Respondents : Mr.C.Venkatesh Kumar (R1)
Special Government Pleader



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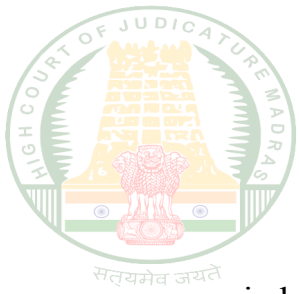
ORDER

This writ petition has been filed challenging the order passed by 1st respondent vide proceedings in Moo.Mu.M.Aar/13232/2024 dated 28.02.2025

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

3. The case of the petitioner is that the second respondent, who is the mother of the petitioner, had filed an application before the first respondent under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 stating the petitioner is not maintaining her and on consideration of the same, the impugned order dated 28.02.2025 directing the petitioner to pay a sum of Rs.10,000/- as monthly maintenance to the second respondent. Aggrieved by the same, the present writ petition came to be filed.

4. The learned counsel appearing for the petitioner submits that the petitioner was taking care of the second respondent and she got married only after stabilizing the financial crisis of her family and also made her two younger sisters



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married. The second respondent is also receiving pension amount and only due to the ill-advice of some other persons, she filed the application under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. He further submits that without giving an opportunity of hearing and without impleading other siblings of the petitioner, the impugned order came to be passed and hence, he prays this Court to set aside the impugned order.

5. On perusal of the materials available on record, it is seen that the order impugned in this writ petition has been passed without even hearing two other daughters of the second respondent, which would amount to non-application of mind on the part of the first respondent. The petitioner was also not given any opportunity of hearing, which is in violation of principles of natural justice. Hence, the impugned order dated 28.02.2025 passed by the first respondent is set aside and the matter is remitted back to the file of the first respondent for a fresh consideration. The first respondent shall consider the case of the petitioner afresh on its own merits and pass appropriate orders in accordance with law, within a period of four months from the date of receipt of a copy of this order.



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6. With the above direction, this writ petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

NCC : Yes / No
Index : Yes / No
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To:-

1. Revenue Divisional Officer,
Parents and Senior Citizen, Maintenance and Welfare Tribunal,
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VIVEK KUMAR SINGH, J.

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