



W.P.(MD) No.12601 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD) No.12601 of 2023

B.Sakthi ... Petitioner

Vs

- 1 The Parents and Senior Citizens Welfare and Maintenance Appellate Tribunal / District Collector,
Virudhunagar District,
Virudhunagar.
- 2 The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.
- 3 The Superintendent of Police,
Virudhunagar District ,
Virudhunagar.
- 4 The Inspector of Police,
Town Police Station,
Aruppukkottai,
Virudhunagar District.
- 5 M.Boobathi
- 6 B.Chithra
- 7 B.Parthipan
- 8 B.Gopinath ... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorari, to call for the records relating to the impugned orders passed by the 1st respondent in Na.Ka.C4/40840/2022, dated 06.04.2023, and the 2nd respondent in Mu.Mu.A5/1294/2022, dated 06.09.2022, and quash the same.

For Petitioner : Mr.S.Sankar

For Respondents 1 & 2 : Mr.J.K.Jeyaseelan,
Govt. Advocate.

For Respondents 3 & 4 : Mr.K.Gnanasekaran,
Govt. Advocate (Crl.Side)

For Respondents 5 & 6 : Mrs.P.Jessi Jeeva Priya

For Respondents 7 & 8 : No appearance

ORDER

This Writ Petition is filed, praying for issuance of a writ of certiorari, to call for the records relating to the impugned orders passed by the 1st respondent in Na.Ka.C4/40840/2022, dated 06.04.2023, and the 2nd respondent in Mu.Mu.A5/1294/2022, dated 06.09.2022, and quash the same.



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2. The case of the petitioner is that in the family arrangements, his father, namely, the fifth respondent executed a settlement deed, dated 08.12.2021, in favour of his second wife Chitra, namely, sixth respondent, for the house property. Aggrieved by the same, the petitioner filed a suit in O.S.No.1 of 2022 on the file of Principal District Munsif Court, Aruppukottai, for a declaration to declare the said settlement deed as null and void, and also for permanent injunction, restraining the respondents 5 and 6 herein from interfering with the peaceful possession and enjoyment of the suit schedule property and the said suit is pending. While so, the fifth respondent submitted a petition before the second respondent under Parents and Senior Citizens Maintenance and Protection Act, 2007, for cancellation of the release deeds, dated 04.08.2021, in Document Nos.4581/2021 and 4582/2021, executed in favour of the petitioner and the respondents 7 and 8, and for payment of Rs.7,000/- for maintenance and residence. After enquiry, the second respondent passed an order, dated 06.09.2022, directing the petitioner and the respondents 7 and 8 to hand over the house and pay a sum of Rs.7,000/- per month to the fifth respondent, as maintenance. Aggrieved by the said order, the petitioner preferred an appeal before the first respondent and the first respondent without considering the grievance of the petitioner, dismissed the appeal, by his order dated 06.04.2023, restraining the petitioner and his



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brothers, namely, respondents 7 and 8 from interfering with the possession of respondents 5 and 6. Therefore, the petitioner has filed this Writ Petition, for the aforesaid relief.

3. Learned counsel for the petitioner would submit that the impugned orders passed by the respondents 1 and 2, dated 06.04.2023 and 06.09.2022 respectively, are illegal, arbitrary and against the principles of natural justice.

4. I have heard the learned counsel for the parties and also gone through the material available on record.

5. On going through the records, what comes to be known is that the subject matter is under adjudication before the Civil Court. Therefore, there is no necessity for the petitioner to approach this Court under Article 226 of the Constitution of India at this point of time, as the matter is sub judice before the Civil Court.

6. Writ Petition is, therefore, dismissed. No costs. Consequently, the connected W.M.P.(MD) Nos.10641 and 10642 of 2023 are closed.

25.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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VIVEK KUMAR SINGH, J.

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