



W.P.(MD).No.17702 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.07.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD) No.17702 of 2025

Devasena.D

... Petitioner

Vs.

1.The Sub Divisional Magistrate cum
Revenue Divisional Officer,
Thanjavur District.

2.Selvakumar.D,
S/o.Late Dhakshinamoorthy,
Shop No.2, Niranjan Complex,
8th Street, Bank Employee Colony,
Madhakottai Road,
Thanjavur - 613 005.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to recover the arrears of maintenance of Rs.2,32,000/- (Rupees Two Lakhs Thirty Two Thousand only) from the 2nd respondent pending as on date by virtue of proceedings of the 1st respondent Na.Ka.No.187/2012/A1 dated 25.04.2013 and on failure to pay the arrears of maintenance direct the 1st respondent to invoke Section 11 and 24 of in Maintenance and Welfare of Parents and Senior Citizens Act, 2007 r/w Section 125(3) of CrPC.



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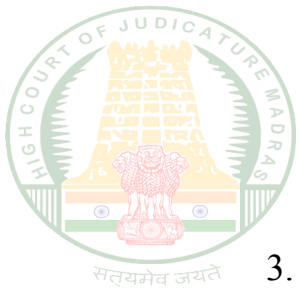
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For Petitioner : Mr.A.Sivasubramanian
For R1 : Mr.D.Ghandiraj
Special Government Pleader

ORDER

The Writ Petition is disposed of at the time of admission after dispensing with the notice of the second respondent as there is no adverse order proposed to be passed at this stage.

2. The petitioner is the mother of the second respondent. The petitioner had earlier approached the first respondent under Section 9 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The first respondent had passed an order, dated 25.04.2013 against second respondent and another namely Anandhakumar to pay a sum of Rs.2,000/- each towards monthly maintenance of the petitioner. However, they failed to pay the same. It appears that the second respondent / the petitioner's son had also challenged the aforesaid order before this Court in W.P(MD) No.9730 of 2013 and the same came to be dismissed on 10.04.2014. Further, he filed an appeal before the Division Bench of this Court in W.A(MD) No.752 of 2014 and the same also came to be dismissed on 26.07.2014.



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3. It is the case of the petitioner that the second respondent had failed to pay his share of the Rs.2,000/- to the petitioner. Therefore, the petitioner is entitled to recover the arrears of maintenance of Rs.2,32,000/- in terms of Section 11 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. It is further submitted that the first respondent has directed the Superintendent of Police, Thanjavur to implement the order, dated 09.01.2024 pursuant to the representation of the petitioner. However, the same has not been executed. It is submitted that the petitioner is entitled for enforcement of the order of the first respondent dated 25.04.2013.

4. On the other hand, learned counsel for the first respondent would submit that the petitioner and the second respondent were called for personal hearing on 30.04.2025 at 4.00 p.m. However, the petitioner failed to appear before the first respondent. Instead, the petitioner has sent a representation on 30.04.2025 via e-mail, which had been duly acknowledged.

5. Considered the submissions made by the learned counsel for the petitioner and the learned counsel for the first respondent and I am of the view that the petitioner is entitled for enforcement of the order, dated 09.01.2024



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under Section 11 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Therefore, the first respondent is directed to issue a notice to the second respondent to take steps to comply with the order of the first respondent, dated 25.04.2013, which stands confirmed by this Court, vide order dated 10.04.2015 in W.P(MD) No.9730 of 2013 and by order, dated 26.07.2014 in W.A(MD)No.752 of 2014. The first respondent is directed to ensure that the above order dated 25.04.2013 is complied with by the second respondent in letter and spirit within a period of thirty days from the date of receipt of copy of this order after due notice to the second respondent. In case, the second respondent fails to co-operate with the first respondent, the first respondent is at liberty to initiate appropriate proceedings against the second respondent under the provision of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

6. With the above said direction and liberty, this Writ Petition is disposed of. No costs.

01.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Sub Divisional Magistrate cum
Revenue Divisional Officer,
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C.SARAVANAN, J.

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