



**W.P.(MD).No.27513 of 2023**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 13.03.2025**

**CORAM:**

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

**W.P.(MD)No.27513 of 2023**

**A.Basheer Mohamed**

**... Petitioner**

**-VS-**

1. The District Collector,  
Pudukkottai, Pudukkottai District.

2. The Revenue Divisional Officer / Sub Collector,  
Authority Under Maintenance and Welfare of  
Parents and Senior Citizens Act, 2007,  
Pudukkottai, Pudukkottai District.

3. The Thasildar,  
Pudukkottai,  
Pudukkottai District.

4. Beer Mohamed

**... Respondents**

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, direction to the respondents 1 and 2 to enforce the maintenance order passed by the 2<sup>nd</sup> respondent in Na.Ka.No. A8/243/2011 dated 25.09.2012, under Section 11 of The Maintenance and Welfare of parents and senior citizens Act, 2007 to give force and effect to recover the same under Section 128 in Chapter IX of Criminal Procedure Code from the 4<sup>th</sup> respondent.



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For Petitioner : Mr.K.Jegadeeswaran

For Respondents : Mr.J.K.Jayaselan (R1 to R3)

Government Advocate

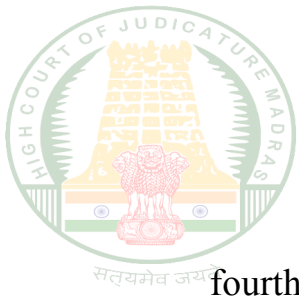
Mr.G.Mathavan (R4)

### **ORDER**

This writ petition has been filed seeking a direction to the respondents 1 and 2 to enforce the maintenance order passed by the 2<sup>nd</sup> respondent in Na.Ka.No. A8/243/2011 dated 25.09.2012, under Section 11 of The Maintenance and Welfare of parents and senior citizens Act, 2007 and to recover the same under Section 128 in Chapter IX of Criminal Procedure Code from the 4<sup>th</sup> respondent.

2. Heard the learned counsel on either side.

3. The case of the petitioner is that the petitioner is the senior citizen, who is the father of the fourth respondent and the fourth respondent used to assault the petitioner and failed to maintain him and hence, the petitioner made complaints before the jurisdictional police station. However, the same was closed stating that this is the dispute between the petitioner and the



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fourth respondent. Thereafter, the petitioner lodged a complaint before the 2<sup>nd</sup> respondent. The second respondent, after conducting a detailed enquiry, passed an order dated 25.09.2012 directing the fourth respondent to pay a sum of Rs.1,000/- towards monthly maintenance. Aggrieved by the same, the fourth respondent filed a revision and the same was also dismissed.

4. The further case of the petitioner is that since the fourth respondent did not pay any maintenance, the petitioner filed a writ petition before this Court in WP(MD)No.23209 of 2017, wherein this Court directed the second respondent to consider the petitioner's representation. The second respondent, after appropriate enquiry, passed an order dated 28.02.2018 directing the fourth respondent herein to pay the due amount. Since the fourth respondent failed to comply with the said order, the petitioner again filed a writ petition before this Court in WP(MD)No.26385 of 2022 to enforce the maintenance order, wherein this Court directed the second respondent to recover the maintenance amount. As of now, the arrears of maintenance amount is Rs.1,54,500/- and till date, the petitioner received only a sum of Rs.10,000/- in toto. Hence, the petitioner came before this Court seeking the aforesaid relief.



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5. In a country like India, where human population is alarmingly high, desertion of senior citizens is increasing. In a country where family system has thrived, the children always have considered their parents as gods and are bound to maintain them. By passage of time, they have slowly lost site in the name of modern culture and have started deserting the parents during the time of their old age and difficulty. Only in such circumstances, the Government of India has enacted the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and the State Government has promptly framed the Rules in this regard as early as in the year 2009 itself. In a democratic country, when the family system has failed and the senior citizens are thrown to streets, it is the bounden duty of the State to protect the senior citizens and to take care of their safety and security till their last breath. Only on that noble thought, Chapter V has been enacted by the State Government in the Maintenance and Welfare of Parents and Senior Citizens Rules, 2009.

6. In the instant case, since the petitioner being a senior citizen and his life is in danger, naturally, the authorities concerned are bound to consider the case of the petitioner. In view of the same, this Court directs the second respondent to consider the case of the petitioner forthwith and pass



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appropriate orders on merits and in accordance with law, within a period of one month from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. There shall be no order as to costs.

**13.03.2025**

NCC : Yes/No  
Index : Yes / No  
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**TO:-**

1. The District Collector,  
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2. The Revenue Divisional Officer / Sub Collector,  
Authority Under Maintenance and Welfare of  
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**VIVEK KUMAR SINGH, J.**

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Order made in  
**W.P.(MD)No.27513 of 2023**

Dated:  
**13.03.2025**