
(2022) 10 KL CK 0226
In the High Court Of Kerala
Case No : Writ Petition (C) No. 3482 Of 2022

Suneesh Kumar P.P

APPELLANT

Vs

Radhamani Parameswaran

RESPONDENT

Date of Decision : 27-10-2022

Acts Referred:

Citation : (2022) 10 KL CK 0226

Hon'ble Judges : P.V.Kunhikrishnan, J

Bench : Single Bench

Advocate : K.M.Aneesh, K.Santhosh Kumar, Adarsh Kumar, Biju Varghese Abraham, Dileep Chandran, Shashank Devan, P.K.Anil, Rashmi.K.M

Final Decision : Disposed Of

Judgement

P.V.Kunhikrishnan, J.

1. The above writ petition is filed with following prayers:

a) Call for the records leading to Exhibit P4 order and to quash the entire proceedings under the provisions of Maintenance and Welfare of Parents and Senior Citizen Act 2007 as against the petitioner as illegal and unconstitutional.

b) Declare that the proceedings initiated before the 2nd respondent pursuant to Exhibit P1 application are illegal and without jurisdiction.

c) to grant such other reliefs as may be prayed for in the circumstances of the case." (sic)

2. The main prayer in this writ petition is to set aside Ext.P4 interim order passed by the 2nd respondent and also to declare that the proceedings initiated by the 2nd respondent pursuant to Ext.P1 application are illegal and without jurisdiction.

3. Heard the counsel for the petitioner and the counsel appearing for the 1st respondent. I also heard the Government Pleader for the 2nd respondent.

4. When this writ petition came up for consideration on 02.02.2022, this Court stayed Ext.P4 insofar as it relates to the restrain on the entry to the building.

5. The counsel for the petitioner submitted that Ext.P1 application is not maintainable in the light of the Full Bench decision of this Court in Subhashini v. District Collector and other [2020 (5) KHC 195]. The counsel submitted that in the light of the same, Ext.P4 order also will not stand. The counsel for the 1st respondent submitted that this point can be raised by the petitioner before the 2nd respondent as a preliminary issue and the Tribunal can consider the same before proceeding with the matter. If that be the case, this writ petition itself can be disposed of directing the 2nd respondent to decide the maintainability of Ext.P1 application in the light of the decision in Subhashini's case (supra). Till the final order is passed in the preliminary issue, the interim order granted in this writ petition can continue.

Therefore, this writ petition is disposed of in the following manner:

1. The 2nd respondent is directed to consider the maintainability of Ext.P1 application, in the light of the judgment of this Court in Subhashini v. District Collector and other [2020 (5) KHC 195] as expeditiously as possible, at any rate, within one month from the date of receipt of a copy of this judgment, after giving an opportunity of hearing to the petitioner and the 1st respondent.

2. Till final orders are passed in the preliminary issue, the interim order dated 02.02.2022 will continue.