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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2026

CORAM

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.29329 of 2025
and
W.M.P.No.32877 of 2025

Ramkumar
Rep. By his POA Nirmala C.S
S/o.Murugananthan ... Petitioner

vs.

1. The District Collector / The Appellate Authority
   of Maintenance and Welfare of Parents and Senior Citizens Act,
   Office Of The District Collector, Coimbatore.

2. The Revenue Divisional Officer
   (Tribunal for Maintenance and Welfare of Parents and Senior Citizens) ,
   Coimbatore North, Coimbatore.

3. V.Muruganathan
   D.No.149, Greenfield Road,
   Nethra Nagar, Kalapatti,
   Coimbatore- 641 048.

… Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus, to call for the records and quash

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the order passed by the 1st respondent bearing in Na.Ka.No. CLRREV/ 3537 /2025 dated 28.05.2025 in respect of specific portion of the order as follows கதவு எண்.136, நேத்ரா நகர், கிரீன் பீலட் சாலை என்ற பகுதியில் உள்ள வீட்டின் ஒரு பகுதியில் மனுதாரர் அவரது ஜீவித காலம் வரை வசித்துக் கொள்ள எதிர்மனுதாரர் எவ்வித இடையூறும் செய்யக்கூடாது எனவும், and direct the petitioner to pay the 3rd respondent a sum of Rs.5,000/- per month as residential expenses.

For Petitioner	:	Mr.I.M.Siddartha Ramarajan
For Respondents	:	Mr.P.Siddarth Government Counsel, for R1 & R2 Mr.R.Nandakumar, for R3

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ORDER

The petitioner has filed this writ petition challenging the order dated 28.05.2025 passed by the first respondent, confirming the order dated 28.02.2025 passed by the second respondent. By the said order, the petitioner was directed to pay a monthly maintenance of Rs.10,000/- to the third respondent and also to provide him with residential accommodation in a portion of the petitioner's house.

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2. The petitioner is the son of the third respondent. According to the third respondent, he was residing along with his wife in a portion of the residential house belonging to the petitioner. After the death of his wife in the year 2024, the petitioner, who is residing in Kuwait, allegedly forced the third respondent to vacate the premises. Aggrieved by the said action, the third respondent approached the second respondent under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The second respondent allowed the claim and directed the petitioner to pay monthly maintenance and provide residential accommodation. The said order was affirmed by the first respondent in appeal under Section 16 of the Act.

3. Learned counsel for the petitioner submitted that the third respondent is presently residing with his second son in the same locality. It was further submitted that the petitioner has already instituted O.S. No.1093 of 2024 seeking a declaration and consequential injunction against the third respondent. In the said suit, the third respondent has filed a written statement along with a counterclaim, wherein he has specifically pleaded that the suit property has been bequeathed in favour of his second son by way of a Will, since the second son has been taking care of him. In view of the said stand

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taken by the third respondent, it is contended that he cannot simultaneously claim a right to reside in the petitioner's residential house. Therefore, the impugned orders are liable to be set aside.

4. Per contra, learned counsel appearing for the third respondent submitted that the third respondent had been residing in a portion of the petitioner's residential house for several years along with his wife. After the death of his wife, he was forcibly evicted by the petitioner. Therefore, the authorities rightly exercised their jurisdiction under the Act by directing the petitioner to provide residential accommodation and to pay monthly maintenance of Rs.10,000/-.

5. This Court has carefully considered the submissions made by the learned counsel appearing on either side and perused the materials placed on record.

6. It is not in dispute that the residential property in question is a villa consisting of two floors and stands in the name of the petitioner. The third respondent claims that he was residing in a portion of the said villa along with his wife until her demise, after which he was forcibly evicted by the petitioner.

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7. The petitioner has instituted O.S. No.1093 of 2024 seeking a declaration that the consideration for purchase of the property was provided by him and that the property was intended to be purchased in his name. According to the petitioner, the third respondent instead purchased the property in his own name, necessitating the filing of the suit. The third respondent has filed a written statement and a counterclaim in the said suit, wherein he has pleaded that the property has already been bequeathed to his second son by executing a Will, as the second son has been taking care of him. The said civil suit is still pending adjudication.

8. During the pendency of the writ petition, this Court passed an interim order directing the petitioner to pay an additional sum of Rs.5,000/- towards maintenance. Consequently, the petitioner has been regularly paying a total monthly maintenance of Rs.15,000/- to the third respondent.

9. It is also not disputed that the third respondent is presently being looked after by his second son, who resides in the same locality. The contention of the third respondent is that the second son resides with his parents-in-law and, therefore, he should be granted the right to reside in a portion of the petitioner's residential house. However, this contention cannot

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be accepted, particularly in view of the stand taken by the third respondent in the pending civil suit that the property standing in his name has been bequeathed to his second son by way of a Will.

10. In the above circumstances, this Court is of the view that the third respondent has not made out a prima facie case for grant of a right of residence in the petitioner's house. However, he is entitled to continue receiving monthly maintenance. Having regard to the interim arrangement that has been in force and is being complied with, the monthly maintenance payable to the third respondent is fixed at Rs.15,000/-.

11. In view of the above discussion, the order dated 28.05.2025 passed by the first respondent confirming the order dated 28.02.2025 passed by the second respondent, insofar as it grants the third respondent a right of residence in the petitioner's house, cannot be sustained in law.

12. Accordingly, the writ petition is allowed. The order dated 28.05.2025 passed by the first respondent confirming the order dated 28.02.2025 passed by the second respondent insofar it relates to granting right of residence in favor of Respondent No.3 is set aside. The petitioner shall

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continue to pay a monthly maintenance of Rs.15,000/- to the third respondent during his lifetime. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

17.07.2026

Speaking / Non-speaking order
Neutral Citation : Yes / No
Index : Yes / No

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HEMANT CHANDANGOUDAR, J.,

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