



W.P(MD)No.2257 of 2026

WEB CODE BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.2257 of 2026

and

W.M.P(MD)Nos.1768, 1770 & 6623 of 2026

Gurunathan

... Petitioner

Vs

1.The District Collector,
Appellate Tribunal For Senior Citizen
Maintenance and Welfare,
Thanjavur District.

2.The Sub Collector,
Kumbakonam,
Thanjavur District.

3.The Inspector of Police,
Patteeswaram Taluk,
Thanjavur District.

4.P.Neelavathi

... Respondents



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PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari calling the records relating to the proceedings of the second respondent made in Na.Ka.10111/2024/A4 dated 31.12.2025 and quash the same.

For Petitioner : Mr.R.Murali

For Respondents : Mr.M.Mahaboob Athiff (R1 & R2)
Special Government Pleader

: Mr.R.Mohamed Riyaz (R3)
Government Advocate (Criminal Side)

: Ms.S.Prabha (R4)

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorari, calling for the records relating to the proceedings of the second respondent dated 31.12.2025 and quashing the same.

2.The learned counsel appearing for the petitioner would submit that the petitioner is the son of the fourth respondent. The fourth respondent/mother lodged a complaint before the Revenue Divisional



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Officer. The Revenue Divisional Officer, after conducting an enquiry, passed an order dated 25.04.2020, directing the petitioner to vacate the upstairs portion of the subject house and hand over possession of the same to the fourth respondent. Aggrieved by the said order, the petitioner preferred an appeal before the first respondent.

3.Pending the said appeal, the petitioner filed a writ petition before this Court in W.P.(MD) No.12354 of 2020, challenging the order passed by the Revenue Divisional Officer. This Court, by order dated 07.01.2021, partly allowed the writ petition by recording the undertaking given by the petitioner that he would not harass his mother and, accordingly, set aside the eviction order passed by the Revenue Divisional Officer.

4.Subsequently, the first respondent, by order dated 02.08.2021, confirmed the order passed by the Revenue Divisional Officer. For implementation of the order passed by the first respondent, the fourth respondent/mother filed W.P.(MD) No.23965 of 2022 before this Court. This



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Court, by order dated 27.01.2025, directed the petitioner to vacate the premises. Pursuant thereto, the present impugned order dated 31.12.2025 came to be passed by the second respondent/Sub-Collector, directing the petitioner to vacate the entire premises on or before 14.01.2026. Challenging the said order, the present writ petition has been filed.

5.The learned counsel appearing for the petitioner would submit that admittedly the property is an ancestral property and not the self-acquired property of the fourth respondent. Therefore, the petitioner is entitled to claim a share in the property along with his brother and sister. Hence, the exclusive right claimed by the fourth respondent over the property is not legally sustainable. It is further submitted that the petitioner is entitled to reside in the first-floor portion and is ready to hand over the ground-floor portion to the fourth respondent/mother for her peaceful residence. He would also undertake that he will not interfere with or harass the fourth respondent. Accordingly, he prayed for appropriate orders.



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6.Per contra, the learned counsel appearing for the fourth respondent would submit that the fourth respondent is the absolute owner of the property and that the property was inherited by her from her father. Therefore, the contention of the petitioner that the property is an ancestral property is wholly untenable. It is further submitted that the fourth respondent has an unmarried son and, due to the harassment caused by the petitioner, she is presently residing along with her unmarried son at Bangalore. At this stage of her life, she intends to reside in her own property peacefully during her lifetime.

7.It is further submitted that the issue relating to the harassment caused by the petitioner and the consequential orders passed by the Revenue Divisional Officer and the first respondent had already been considered by this Court in W.P.(MD) No.23965 of 2022, and this Court, by order dated 27.01.2025, had issued appropriate directions. Therefore, the said order cannot be interfered with by a Co-ordinate Bench. Accordingly, he prayed for dismissal of the writ petition.



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8.The learned counsel appearing for the fourth respondent has also filed an affidavit dated 07.08.2026, wherein the fourth respondent has undertaken that she will not encumber or alienate the property during her lifetime.

9.The said affidavit dated 07.08.2026 is taken on record.

10.Heard the learned counsel appearing for the petitioner, the learned counsel appearing for the respondents and perused the materials available on record.

11.This Court finds that the dispute between the petitioner and the fourth respondent with regard to the occupation of the subject property and the alleged harassment caused by the petitioner has already been considered in the earlier proceedings before this Court. In particular, this Court, by order dated 27.01.2025 in W.P.(MD) No.23965 of 2022, had



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12.The petitioner, once again, seeks to contend that the property is an ancestral property and that he has a right to reside in a portion thereof. However, such a disputed claim with regard to title and entitlement cannot be adjudicated in the present writ proceedings, particularly when the competent authority has already passed orders and the same have been considered in the earlier proceedings before this Court.

13.The fourth respondent has also filed an affidavit undertaking that she will not encumber or alienate the property during her lifetime. Taking note of the said undertaking and considering the fact that the fourth respondent seeks to reside peacefully in her own property during her lifetime, this Court is not inclined to interfere with the impugned order dated 31.12.2025.



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14. Accordingly, the Writ Petition is dismissed. However, taking into consideration the request of the petitioner, three months' time is granted to the petitioner to vacate and hand over the entire portion in his occupation to the fourth respondent on or before 09.11.2026. If the petitioner fails to comply with the said direction within the time stipulated, the jurisdictional law-enforcing agency shall evict the petitioner forthwith and hand over possession of the entire premises to the fourth respondent. The jurisdictional law-enforcing agency shall also ensure that the fourth respondent is able to reside in the said property peacefully during her lifetime, without any hindrance or interference from the petitioner. There shall be no order as to costs. Consequently, the connected Miscellaneous Petitions are closed.

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NCC : Yes / No
Index : Yes / No
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M.DHANDAPANI, J.

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