



W.P(MD)No.3577 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.3577 of 2022

and

W.M.P.(MD).No.3125 of 2022

Subburamu

... Petitioner

Vs

1.The District Magistrate / Appellate Tribunal,
Senior Citizens' Maintenance and Welfare Officer,
Madurai,
Madurai District.

2.The Revenue Divisional Officer /
Senior Citizens' Maintenance and Welfare Chief Officer,
Madurai, Madurai District.

3.Gowsalya

4.Subbulakshmi

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned order in Ni.Mu.(C5)/4815/2021 dated 08.02.2022 passed by the first respondent and quash the same.

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For Petitioner : Mr.P.T.Ramesh Raja
For R-1 & R-2 : Mrs.K.R.Shivashankari,
Counsel for State
For R-3 : Mr.V.Ganapathi Subramanian

ORDER

This Writ Petition has been filed challenging the impugned order passed by the first respondent in Ni.Mu.(C5)/4815/2021 dated 08.02.2022.

2. Heard the learned counsel on either side.

3. The learned counsel appearing for the petitioner submitted that the petitioner is the son of the third respondent and the brother of the fourth respondent. The petitioner and the third respondent are residing in the same property, though in separate portions. According to the petitioner, at the instigation of the fourth respondent, the third respondent lodged a complaint before the second respondent under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Pursuant thereto, the second respondent directed the petitioner to pay a sum of Rs.2,000/- per month towards maintenance to the third respondent.



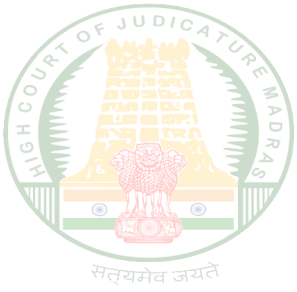
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4. Aggrieved by the said order, the third respondent preferred an appeal before the first respondent. The first respondent, by the impugned order dated 08.02.2022, not only considered the issue relating to maintenance but also directed the petitioner to vacate the premises occupied by him. Challenging the said order, the present writ petition has been filed.

5. The learned counsel for the petitioner further submitted that the petitioner has no intention whatsoever to evict or disturb the peaceful possession and enjoyment of the third respondent. It was submitted that the third respondent is in exclusive occupation of her portion of the property and the petitioner undertakes not to interfere with her peaceful possession and enjoyment during her lifetime.

6. Per contra, the learned counsel appearing for the third respondent submitted that the petitioner had been causing disturbance to the peaceful occupation of the third respondent, compelling her to approach the authorities under the Act. It was further submitted that the second respondent, instead of considering the grievance in its entirety, had merely granted maintenance and failed to pass appropriate orders protecting the third respondent. Therefore, the



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third respondent preferred the appeal, pursuant to which the first respondent rightly directed eviction of the petitioner. Hence, according to the learned counsel, the impugned order does not warrant interference.

7. This Court has carefully considered the rival submissions and perused the materials available on record.

8. The dispute is essentially between the mother and her son. It is not in dispute that both of them are residing in the same property, however in different portions. Before this Court, the petitioner has categorically undertaken that he will not interfere with the peaceful possession and enjoyment of the portion occupied by the third respondent during her lifetime.

9. In the facts and circumstances of the case, this Court is of the view that the ends of justice would be met by protecting the residential rights of the third respondent while permitting the petitioner to continue to reside in his portion of the property, subject to strict compliance with the conditions imposed by this Court. Consequently, the direction issued by the first respondent directing eviction of the petitioner is liable to be interfered with.



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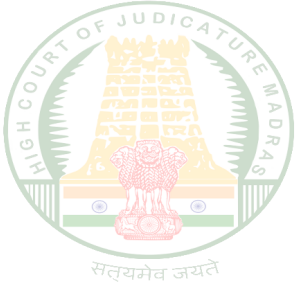
10. Accordingly, the impugned order passed by the first respondent in Ni.Mu.(C5)/4815/2021 dated 08.02.2022 is set aside, subject to the following conditions:

(i) The petitioner shall pay a sum of Rs.3,000/- (Rupees Three Thousand only) per month towards maintenance to the third respondent.

(ii) The maintenance amount shall be paid on or before the 7th day of every English calendar month, without default.

(iii) The petitioner shall not, in any manner, interfere with the peaceful possession, occupation and enjoyment of the portion of the property occupied by the third respondent during her lifetime.

(iv) The third respondent shall be entitled to continue in exclusive possession and enjoyment of the portion presently occupied by her, without any obstruction from the petitioner.



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WEB COPY 11. With the above directions, the Writ Petition is allowed. No costs.

Consequently, connected miscellaneous petition is closed.

15.07.2026

NCC : Yes / No

Index : Yes / No

TSG

To

- 1.The District Magistrate / Appellate Tribunal,
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M.DHANDAPANI, J.

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