



W.P.(MD)No.16377 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.16377 of 2023

and

W.M.P.(MD)Nos.13708, 13709 & 13711 of 2023

M.Manimuthu Pandiyan

... Petitioner

-VS-

1.The Revenue Divisional Officer /

President of Sub Divisional Tribunal for

Parents & Senior Citizens (Protection & Welfare) Act,

Office of the Revenue Divisional Officer,

Madurai.

2.The Assistant Commissioner of Police,

Anna Nagar Police Station,

Madurai.

3.The Inspector of Police,

Anna Nagar Police Station,

Madurai.

4.Pushpam

... Respondents



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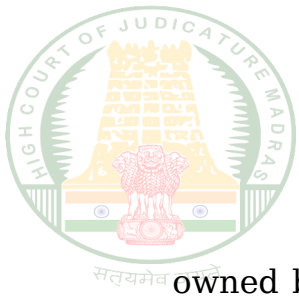
PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the first respondent in O.Mu.No.2087/2023/J dated 25.05.2023, quash the same and consequently forbear the respondents herein from forcibly dispossessing the petitioner from the house bearing Door No.388, LIG Colony, Anna Nagar, Madurai – 625 020, till the final adjudication of the civil suit for partition of equal 1/6 share in O.S.No.521 of 2022, on the file of the I Additional District Judge, Madurai.

For Petitioner : Mr.S.Srinivasa Raghavan
For Respondents 1 & 2 : Mr.M.Mahaboob Athiff,
Counsel for the State of Tamil Nadu
For Respondent No.4 : Mr.C.Nishanth Periyaraju

ORDER

The present Writ Petition has been filed challenging the impugned proceedings of the first respondent in O.Mu.No.2087/2023/J dated 25.05.2023.

2.Learned Counsel for the petitioner would submit that the petitioner is the son of the fourth respondent. The subject property was originally

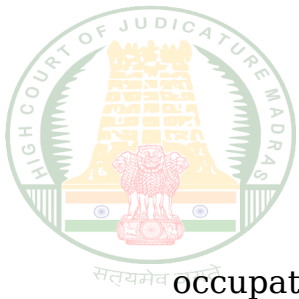


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owned by the petitioner's father and after his demise, the petitioner along with other legal heirs became entitled to the property. There are six legal heirs including the fourth respondent mother and all are entitled to 1/6th share. While so, the fourth respondent had settled the property in favour of the daughters. Further, the fourth respondent had made a complaint before the first respondent / Revenue Divisional Officer, under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The first respondent vide the impugned order dated 25.05.2023, ordered for evicting the petitioner, in order to provide shelter to the fourth respondent. Challenging the same, the present Writ Petition has been filed.

3. Learned Counsel for the petitioner would submit that the first respondent has no power to order for eviction. The first respondent is only entitled to ensure the shelter of the senior citizens alone and hence, the impugned order is perverse and accordingly, prays for allowing the present Writ Petition.

4. Per contra, learned Counsel for the fourth respondent would submit that the subject property is owned by the fourth respondent and since the petitioner has not taken care of the fourth respondent, she gifted the same in favour of her daughters. Further, since the petitioner is now in



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occupation of the said property, the first respondent has ordered for eviction, which need not be interfered with. Accordingly, he prays for appropriate orders.

5. Heard the learned Counsel for the parties.

6. Admittedly, in the present case, the petitioner is the son of the fourth respondent and the fourth respondent had made a petition before the first respondent under Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The first respondent vide the impugned order dated 25.05.2023, had ordered for evicting the petitioner from the subject property. Since the petitioner is presently in occupation of the property and since the petitioner failed to take care of the third respondent who is now in streets and also considering the fact that the property had been subsequently settled by the third respondent in favour of her daughters, the first respondent, in order to ensure shelter to the third respondent has ordered for eviction, which is well within the powers of the first respondent under Section 21 of the Act. Hence, I am not inclined to interfere with the same.



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7. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

17.07.2026

NCC : Yes / No

Index : Yes / No

Internet: Yes / No

MR



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M.DHANDAPANI, J.

MR

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