



W.P(MD)No.23613 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.23613 of 2023

and

WMP (MD) Nos.19796 & 19797 of 2023

Mariya Yagappan Samidoss

... Petitioner(s)

vs.

1. The District Collector,
Dindigul District,
Dindigul.

2. The Revenue Divisional Officer,
Dindigul Revenue,
Dindigul,
Dindigul District.

3. Mariyaraj

... Respondent(s)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned orders passed by the 1st respondent herein in her proceedings in Pa.Mu.No.12771/2022/C1 dated 31.07.2023 and The prior order passed by the



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2nd respondent herein in his proceedings in Na.Ka.No.9706/2019/A1 dated 29.10.2019 and quash the same as illegal and arbitrary.

For Petitioner : Mr.S.Sarvagan Prabhu
For R1 & R2 : Ms.K.R.Shivashankari, Counsel for State
For R3 : No appearance

ORDER

Challenging the impugned order dated 31.07.2023 passed by the first respondent, the present writ petition has been filed by the petitioner.

2. Heard the learned counsel for the parties.

3. The learned counsel appearing for the petitioner would submit that the petitioner is the son of the third respondent. The third respondent, along with his daughter, executed a settlement deed in favour of the petitioner in respect of the subject property. Thereafter, the petitioner settled the property in favour of his wife. Out of his own funds, the petitioner constructed a residential building on the property and has been residing therein with his family. Subsequently, at the

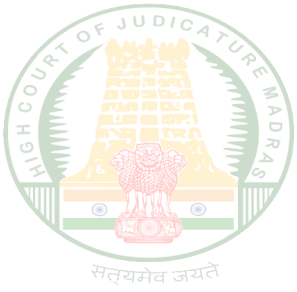


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instigation of certain third parties, the third respondent/father lodged a complaint before the second respondent under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Acting on the said complaint, the second respondent directed the petitioner to vacate the premises and hand over possession to the third respondent, besides directing the petitioner to pay monthly maintenance of Rs.6,000/-. Aggrieved by the said order, the petitioner preferred an appeal before the first respondent. The first respondent dismissed the appeal. Challenging the concurrent orders of the authorities below, the present writ petition has been filed.

4. The learned counsel for the petitioner would submit that admittedly the property was settled in favour of the petitioner by the third respondent and his daughter. Thereafter, the petitioner validly settled the property in favour of his wife and at his own cost, constructed the residential building. The third respondent has been residing separately and has made a false complaint before the authorities. It is further submitted that the authorities under the Senior Citizens Act have no jurisdiction to order eviction of the petitioner from the property, particularly when the superstructure was constructed by the petitioner



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after the settlement. It is also submitted that the petitioner has been regularly paying the maintenance amount directed by the authorities. Accordingly, it is prayed that the impugned orders be set aside.

5. Per contra, the learned Government Counsel appearing for the official respondents would submit that the petitioner, though a beneficiary under the settlement deed executed by the third respondent and his daughter, failed to maintain the third respondent. Therefore, the third respondent rightly approached the second respondent, who, after considering the materials available on record, passed the impugned order, which was confirmed by the appellate authority. The concurrent findings do not warrant interference under Article 226 of the Constitution of India. Accordingly, it is prayed that the writ petition be dismissed.

6. This Court has carefully considered the submissions made on either side and perused the materials available on record.

7. Admittedly, the subject property originally belonged to the third respondent, who executed a settlement deed in favour of the petitioner. The contention of the petitioner that he had subsequently settled the property in favour



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of his wife and constructed the superstructure out of his own funds would not absolve him of his statutory obligation to maintain his aged father. The materials on record disclose that the competent authorities have exercised the jurisdiction vested in them after affording due opportunity to the parties. Merely because the petitioner disputes the allegations made by the third respondent, this Court cannot interfere with the concurrent findings of fact recorded by the authorities in the absence of any patent illegality. Insofar as the direction relating to handing over possession of the property is concerned, the same has been issued by the competent authority to secure the welfare and protection of the senior citizen. However, if the petitioner, henceforth, properly maintains the third respondent and provides satisfactory accommodation to him and the competent authority is satisfied about the same upon due enquiry, it is open to the petitioner to seek reconsideration of the impugned order. On such application, the competent authority shall consider the same and pass appropriate orders in accordance with law.

8. In view of the foregoing reasons, this Court finds no merit in the



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writ petition. Accordingly, the writ petition stands dismissed. No costs.

Consequently, the connected miscellaneous petitions are closed.

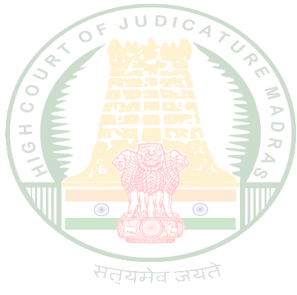
20.07.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes
PKN

To

1. The District Collector,
Dindigul District,
Dindigul.

2. The Revenue Divisional Officer,
Dindigul Revenue,
Dindigul,
Dindigul District.



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M.DHANDAPANI,J.

PKN

**ORDER MADE IN
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DATED : 20.07.2026