



W.P(MD)No.29385 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.29385 of 2024

and

W.M.P(MD)Nos.24797 & 24798 of 2024

Dharmaraj

... Petitioner

Vs

- 1.State Rep. By,
The Appellate Authority under Maintenance of
Parents & Senior Citizens Act 2007/
District Collector,
Collectorate, Trichy.
- 2.The Tribunal for Maintenance of
Parent & Senior Citizens, Act 2007/
Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Trichy.
- 3.The Revenue Inspector,
North Firka,
Trichy West, Trichy.



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4.Jeyalakshmi

5.Ramalingam

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorairified Mandamus to call for the records relates to the impugned order passed by the 1st respondent vide his proceedings in Na.Ka.G1/2281214/2023, dated 23.09.2024 and consequential impugned notice issued by the 3rd respondent vide his proceedings Nil, dated 25.11.2024 and quash the same as arbitrary, illegal and against the principles of natural justice and consequently direct the respondents No.1 to 3 to allow the petitioner to reside in the house situated in Door No.23/1, Kizhapudupaikara Street, Woraiyur, Trichy District by depositing monthly rent in the bank account of 4th respondent.

For Petitioner : Mr.S.Krishnan

For Respondents : Mr.M.Mahaboob Athiff (R1 to R3)
counsel for Government of Tamil Nadu

: Mr.P.Gunasekaran (R4 & R5)

ORDER

This Writ Petition has been filed challenging the order dated 23.09.2024 passed by the first respondent and the consequential notice dated 25.11.2024 issued by the third respondent, and consequently seeking a



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direction to the respondents 1 to 3 to permit the petitioner to reside in the house bearing Door No.23/1, Kizhapudupaikara Street, Woraiyur, Tiruchirappalli District, on payment of the monthly rent by depositing the same into the bank account of the fourth respondent.

2.The learned counsel appearing for the petitioner submitted that the petitioner's father had executed a Will in favour of the petitioner and his brother, namely the fifth respondent, while reserving a life interest in favour of the petitioner's mother, namely the fourth respondent. Subsequently, owing to certain disputes, the fourth respondent lodged a complaint under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Pursuant thereto, the first respondent, by order dated 23.09.2024, directed the eviction of the petitioner from the subject property. For implementation of the said order, the third respondent issued the consequential notice dated 25.11.2024. Aggrieved by the said proceedings, the present Writ Petition has been filed.



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3.The learned counsel for the petitioner further submitted that during the pendency of the proceedings, the fourth respondent/mother passed away. It is submitted that the petitioner and the fifth respondent are the legal heirs of the deceased fourth respondent. Since the right of residence under the Will was only a life interest in favour of the fourth respondent, her demise has rendered the impugned order incapable of implementation. Therefore, according to the learned counsel, nothing survives for adjudication under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

4.The learned counsel appearing for the legal representatives of the deceased fourth respondent submitted that, while they have no serious objection to setting aside the impugned proceedings in view of the subsequent events, liberty may be reserved to the other legal heirs to work out their respective rights, if any, under the Will executed by the petitioner's father, in the manner known to law.



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

6.Admittedly, the impugned order directing eviction was passed during the lifetime of the fourth respondent, who was the life estate holder under the Will executed by the petitioner's father. It is also not in dispute that the fourth respondent has since passed away. In view of her demise, the very basis on which the impugned order and the consequential notice came to be issued no longer survives. Consequently, the impugned proceedings have become incapable of enforcement.

7.Accordingly, the order dated 23.09.2024 passed by the first respondent and the consequential notice dated 25.11.2024 issued by the third respondent are set aside. However, it is made clear that this order shall not affect the rights, if any, of the other legal heirs. Liberty is granted to the other legal heirs to work out their respective remedies in respect of the subject property, in terms of the Will executed by the petitioner's father,



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before the appropriate forum and in the manner known to law.

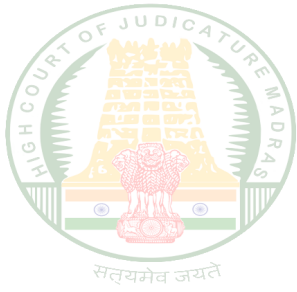
8. With the above observations and liberty, this Writ Petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

24.07.2026

NCC : Yes / No

Index : Yes / No

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M.DHANDAPANI, J.

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