



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P.(MD)No.24156 of 2016

and

W.M.P.(MD)No.17437 of 2016 and

W.M.P.(MD)No.8578 of 2017

R.Ananthi

... Petitioner

Vs

1.The District Collector,
Madurai District,
Madurai.

2.Kottakkalai

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to the impugned order passed in Na.Ka.No.C5/38154/2016 dated 08.12.2016 and quash the same.

For Petitioner : Mr.Babu Rajendran

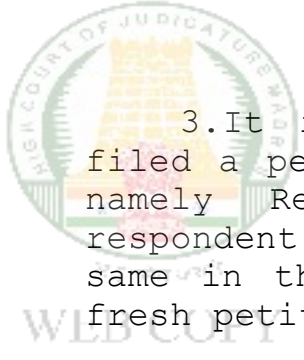
For R1 : Mr.M.Karuppasamy
Government Advocate

For R2 : Mr.K.Samidurai

ORDER

Heard the learned counsel on either side.

2.The petitioner got married to the son of the second respondent on 21.06.2012. A male child was born on 20.12.2013. The relationship between the parties came under strain. The petitioner has since filed DVOP No.82 of 2016 before the Additional Mahila Court (Magisterial Level), Madurai. In the meanwhile, the second respondent herein filed a petition before the District Collector, Madurai under the provisions of Tamil Nadu Maintenance and Welfare of Parents and Senior Citizen Act, 2007. The first respondent passed the impugned order dated 08.12.2016 rendering certain adverse findings against the writ petitioner and giving a direction for evicting her from the petition mentioned premises. This order is under challenge on more than one ground in this writ petition.



3.It is not in dispute that the second respondent earlier filed a petition under the very same statute before the Tribunal namely Revenue Divisional Officer, Madurai. The second respondent's petition was dismissed. But without questioning the same in the manner known to law, the second respondent filed a fresh petition before the first respondent.

4.The learned counsel for the petitioner would further question the impugned order passed by the first respondent on the ground of jurisdiction. Eventhough, very many grounds were urged on either side and there are allegations and counter allegations, this Court called upon both the parties to arrive at some temporary arrangement.

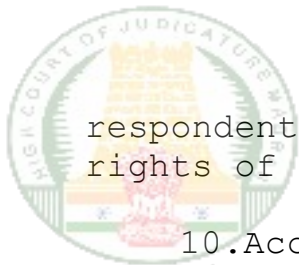
5.I am glad to note that good counsel has prevailed on both the parties. The petitioner is presently occupying the first floor. The petitioner is residing along with her son who is none other than the grandchild of the second respondent. The petitioner shall move to the ground floor within a period of one week. The house in question is a two storeyed house (Ground Floor + First Floor + Second Floor).

6.It is beyond dispute that the house is the absolute property of the second respondent. Apprehending some safety issues, the second respondent moved out of the premises. The petitioner through her counsel undertakes before this Court that she would conduct herself in such a manner that the second respondent or his wife will not have any cause for entertaining such apprehension in future. The second respondent is free to move into his own house and occupy the first floor and second floor of the building. This Court expects the parties to honour the arrangement now arrived at.

7.The petitioner has filed DVOP No.82 of 2016 before the Additional Mahila Court (Magisterial Level), Madurai. In the said DVOP, not only the petitioner's husband but also the second respondent and the mother-in-law and the sisters of the mother-in-law have been arrayed as respondents.

8.The petitioner undertakes before this Court that as requested by the second respondent, she will delete the respondents 3 and 4 from the cause title. This Court also permits the second respondent herein to be represented by his counsel in the DVOP proceedings and he need not be present on all occasions. The second respondent is at liberty to approach the Civil Forum against the writ petitioner. The parties herein will thrash out their respect rights before the appropriate Fora.

<https://hcservices.equifirst.in/hcservices/>
 9.The impugned in this writ petition is quashed and this writ petition is disposed of in terms of the compromise arrived at between the parties herein. The affidavit filed by the second



respondent is taken on record. It is further made clear that the rights of the parties are left open.

10. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (ADI)

// True Copy //

Sub Assistant Registrar (CS)

ENCL: Affidavit filed by the second respondent

To

The District Collector,
Madurai District,
Madurai.

+1 CC to M/s. BABU. RAJENDRAN, Advocate (SR-56483[F] dated 26/03/2019)

+1 CC to M/s. SPL GP (SR-56586[F] dated 26/03/2019)

+1 CC to M/s. K. SAMIDURAI, Advocate (SR-56606[F] dated 26/03/2019)

pnn

W.P. (MD) No. 24156 of 2016

25.03.2019

KM/ (10.04.2019) 3P 5C