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W.P.Nos.13022 of 2023 & 29466 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

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THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.Nos.13022 of 2023 & 29466 of 2022

and

WMP.No.28812 of 2022

W.P.No.13022 of 2023:

K.Ayyakkannu

...Petitioner

Vs.

1. The District Collector and District Magistrate
Ariyalur, Ariyalur District.
2. The Revenue Divisional Officer and Sub-Divisional Magistrate,
Ariyalur Division, Ariyalur District.
3. The Superintendent of Police
Ariyalur District, Ariyalur.
4. A.Balasubramanian
5. Kavitha

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 3rd respondent to implement the orders passed by the 2nd respondent in Pa.Mu.A5/1953/2021 dated 21/03/2022 as confirmed by the 1st respondent in Na.Ka.E2/3926/2022 dated 29/07/2022 passed under the “Maintenance and Welfare of Parents



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and Seniors Citizens Act, 2007” by handing over the possession of the property at No.19/36-C, Big Street, Ariyalur town in favour of petitioner.

W.P.No.29466 of 2022:

1. A.Balasubramanian
 2. Kavitha
- ...Petitioners

Vs.

1. Ayyakannu
 2. The District Collector,
Ariyalur District Collectorate, Ariyalur.
 3. The Revenue Divisional Officer,
Ariyalur Revenue Divisional Office, Ariyalur.
 4. The Deputy Superintendent of Police
Ariyalur District.
 5. The Inspector of Police,
Police Station, Ariyalur District.
- Ariyalur
...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the orders passed by 3rd Respondent Ariyalur Revenue Divisional Officer, in Pa.Mu. No.A5/1953/2021 dated 21.03.2022 and the 2nd Respondent Ariyalur District Collector in Na.Ka.No.E2/3926/2022, dated 29.07.2022 and quash the same and direct the authorities to allow petitioners to live in anyone of the tow houses in Survey Numbers 591/13A and 607/26 respectively.

In W.P.No.13022 of 2023:

For Petitioner : Mr.S.Kamadevan



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For Respondents : M/s.N.Senthil Selvi, GA, for R1 to R3
: Mr.K.Bharathi, for R4 & R5

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In W.P.No.29466 of 2022:

For Petitioners : Mr.K.Bharathi

For Respondents : Mr.S.Kamadevan, for R1
: M/s.N.Senthil Selvi, GA, for R2 to R5

COMMON ORDER

Since the issue involved in both the Writ petitions are connected, they are disposed of by way of this common order.

2. The petitioners in W.P.No.29466 of 2022 are husband and wife and the 1st respondent therein/the petitioner in W.P.No.13022 of 2023 is none other than the father of the 1st petitioner in W.P.No.29466 of 2022. The petitioner in W.P.No.13022 of 2023 will be referred to as the father while the petitioners in W.P.No.29466 of 2022 will be referred to as the son and the daughter-in-law respectively. The case of the petitioners is that, due to some dispute in between the father and son, the father filed a petition dated 27.09.2021 before the 1st respondent under the Maintenance and Welfare of Parents and Seniors Citizens Act, 2007, pursuant to which, the



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2nd respondent passed an order dated 21.03.2022 in

Pa.Mu.No.A5/1953/202, directing the son and daughter-in-law to vacate the house property comprised in S.No.607/26. Challenging the same, the son and daughter-in-law preferred an appeal before the 1st respondent, however, the same was dismissed by the 1st respondent, vide order dated 29.07.2022 in Na.Ka.No.E2/3926/2022, confirming the order of the RDO dated 21.03.2022, with a further direction to the son and daughter-in-law to vacate and hand over the residence to the father. Despite the said order of the 1st respondent, till date, the son and daughter-in-law have not vacated the premises and instead of complying with the order of the authorities, they have come before this Court by way of filing a Writ petition in W.P.No. 29466 of 2022, challenging the orders of the original as well as the appellate authority. Thereafter, the father made several representations before the official respondents, seeking to comply with the orders of the 1st & 2nd respondents, however, till date, no action has been taken. Hence, the father has come up with the Writ petition in W.P.No.13022 of 2023.

3. Learned counsel for the petitioners in W.P.No.29466 of 2022 submitted that, the father has two house properties comprised in

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S.Nos.591/13A and 607/26, situated at Periya Street, Ariyalur (south)

village, in which, he settled the house property comprised in S.No.591/13A was settled in favour of his 1st daughter, and originally the father, his son, daughter-in-law and other family members jointly lived in the house comprised in S.No.607/26. However, as the father and other family members continuously harassed the daughter-in-law and demanded dowry, there arose some dispute, due to which, the father and his wife are living with their 1st daughter in the house comprised in S.No.591/13A. While so, suppressing all the above facts, the father filed a complaint before the 2nd respondent, who passed an order dated 21.03.2022, directing the son and daughter-in-law to vacate the subject property and the subsequent appeal filed by the son and daughter-in-law before the 1st respondent was also dismissed, vide order dated 29.07.2022, confirming the order of the RDO dated 21.03.2022, without taking into consideration the fact that, the father has repaid the loan availed for constructing the house by using the jewels of the daughter-in-law and has mechanically directed the son and daughter-in-law to vacate and hand over the residence to the father, which is not sustainable. Hence, he prayed for appropriate orders.



WEB COURT

4. Per contra, learned counsel for the petitioner in W.P.No.13022 of 2023 submitted that, the son and the daughter-in-law continuously harassed the father, his wife and his younger daughter and forcibly thrown them out from their very own house and at present the son and daughter-in-law are in illegal possession of the father's house, due to which, he was put to great hardships. He further submitted that, the father does not want any allowance/monthly maintenance from the son and daughter-in-law and it would suffice, if they vacate and hand over the subject property to the father and does not interfere with the father's possession over the subject property in future.

5. Heard learned counsel on either side and perused the material documents placed on record.

6. Though very many grounds have been raised by the learned counsel on either side at the time of arguments, however, the son filed a memo of undertaking affidavit stating that, they will vacate the premises within a period of six months. For better appreciation, the relevant portion is extracted hereunder:



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“

6. Hence, I respectfully state to this Hon'ble Court that I will vacate the present house within six months and I request this Hon'ble Court to consider my family's poor situation and my children's studies while passing orders in the above W.P.”

7. In view of the above said affidavit filed by the son, this Court, without expressing any opinion on the merits of the case, directs the son and daughter-in-law, who are the petitioners in W.P.No.29466 of 2022 to vacate and handover the premises to the father, the petitioner in W.P. No.13022 of 2023 within a period of six months from the date of receipt of a copy of this order.

8. Accordingly, these Writ Petitions are disposed of with the aforesaid observations and directions. No costs. Consequently, connected Miscellaneous petition is closed.

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NCC : Yes / No
Speaking Order : Yes / No
Index : Yes / No

Note to Office: Issue order copy on 21.06.2023.

To

1. The District Collector and District Magistrate
Ariyalur, Ariyalur District.
2. The Revenue Divisional Officer and Sub-Divisional Magistrate,
Ariyalur Division, Ariyalur District.
3. The Superintendent of Police
Ariyalur District, Ariyalur.
4. The District Collector,
Ariyalur District Collectorate, Ariyalur.
5. The Revenue Divisional Officer,
Ariyalur Revenue Divisional Office, Ariyalur.
6. The Deputy Superintendent of Police
Ariyalur District.
7. The Inspector of Police,
Police Station, Ariyalur District.

Ariyalur



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M.DHANDAPANI., J.

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W.P.Nos.13022 of 2023 & 29466 of 2022
and
WMP.No.28812 of 2022
(1/2)



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W.P.Nos.13022 of 2023 & 29466 of 2022

19.06.2023

WMP.No.28811 of 2022

in

W.P.No.29466 of 2022

M.DHANDAPANI., J.

The present Miscellaneous petition filed seeking to permit the petitioners herein to join together and file a single Writ petition is ordered as prayed for.

**19.06.2023
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