



W.P.No.22285 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.22285 of 2022

and

W.M.P.Nos.21320 and 21321 of 2023

S.Gopinath

... Petitioner

Vs.

1. The District Collector,
Tiruppur,
Tiruppur District.

2. The Revenue Divisional Officer,
(Senior Citizen and Maintenance Welfare Tribunal),
Tiruppur,
Tiruppur District.

3. The Registrar Joint No.1,
Sub Registrar Office,
Tiruppur.

4. S.Subramaniam

5. R.Tamilarasi

6. S.Poorani

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records of order dated 14.07.2022 vide proceedings in Na.Ka.No.2215/2022/E3 on the file of the second respondent and quash the same.

For Petitioner : Mr.K.Myilsamy
For Respondents : Mr.V.Manoharan
Addl. Govt. Pleader for R1 to R3
Mr.K.Kathiresan for R4 and R5

ORDER

This Writ Petition has been filed challenging the order dated 14.07.2022 passed by the second respondent under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, under which, the Settlement Deed executed by the fourth respondent in favour of the petitioner has been ordered to be canceled and the petitioner has also been directed to vacate the property and hand over possession of the same to the fourth respondent.



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2. The case of the petitioner is that the petitioner is the son and the respondents 4 and 5 are his parents. On an application filed by the fourth respondent under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, the aforementioned Settlement Deed standing in the name of the petitioner has been ordered to be canceled under the impugned order. Apart from that, the petitioner has been directed to hand over the vacant portion to his father viz., the fourth respondent. Challenging the concurrent finding of the second respondent, the petitioner has filed the present Writ Petition.

3. The learned counsel appearing for the petitioner, on instructions, would submit that the respondents 4 and 5 filed an application mainly on the ground that the petitioner has not provided any shelter to them. He further submitted that the petitioner is ready and willing to allow the respondents 4 and 5 to occupy the entire ground floor of the disputed property and he will not interfere with the respondents 4 and 5 occupying the same till their life time.



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4. The learned counsel appearing for the respondents 4 and 5 would submit that this Court already issued a direction to the petitioner to pay maintenance of Rs.40,000/- (Rupees Forty Thousand only) to the respondents 4 and 5, however, the respondents 4 and 5 are not inclined to receive the maintenance amount. The respondents 4 to 5 submit that they will be satisfied if the petitioner provides shelter to them. Further, this Court may also issue a direction to the petitioner not to interfere with the peaceful possession and enjoyment of the entire ground floor of the property till their life time.

5. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

6. In view of the consent view expressed by the learned counsel for the petitioner and the respondents 4 and 5, this Court is inclined to dispose of the Writ Petition with the following directions:



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“The petitioner is directed to hand over one portion of the ground floor to the respondents 4 and 5 within a period of one week from the date of receipt of a copy of this order and the remaining two portions of the ground floor shall be handed over to them within a period of three months thereafter. The respondents 4 and 5 are absolutely entitled for possession and enjoyment of the property till their life time, however they shall not alienate the same.”

7. With the above directions and observations, this Writ Petition is disposed of. However, if any untoward incident happens, the respondents 4 and 5 are at liberty to work out their remedy in the manner known to law. No costs. Consequently, connected Miscellaneous Petitions are closed.

27.06.2023

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

vji



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M.DHANDAPANI, J.

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