



W.P.No.778 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.778 of 2021
and
W.M.P. No. 838 of 2021

B.Revathy

... Petitioner

Vs

1. The District Collector,
Chengalpet.

2. The Revenue Divisional Officer/The Parents and
Senior Citizens Welfare and Maintenance Tribunal,
Chengalpet.

3. V.Dillibai

4. Dhanasekaran

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to order dated 10.03.2020 in Case No. A1/2766/2019 on the file of the second respondent herein and quash the same.

For Petitioner : Mrs. AL.Ganthimathi



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Senior Counsel
for M/s. SA.Kanmani

For Respondents : Mr. S.Arumugam (for R1 & R2)

Mr. K.Thilagaraj (for R3)

O R D E R

This Writ Petition has been filed challenging the order dated 10.03.2020 passed by the second respondent, thereby directing the petitioner and the fourth respondent to vacate the premises owned by the third respondent herein, as their relationship is not cordial and failed to maintain the third respondent.

2. The third respondent is the mother-in-law of the petitioner and she had purchased the property of an extent of 4 cents, comprised in Old S.No. 410/1E3J, New S.No.10, situated at No.28/53, Bharathiar Street, Gopalapuram Chengalpet. Thereafter, the house was constructed and the third respondent and her husband, viz., E.Varadhan gave birth to three sons and two daughters. The fourth respondent is one of the sons and the petitioner's husband is one of her son. The petitioner got married her husband, viz., Baskaran and they gave birth to two children. Thereafter, the



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petitioner's husband died on 09.12.2008 and after demise of her husband, the petitioner was living in the subject premises and thereafter, she vacated and went to her parents' house. According to the petitioner, she is suffering without even any income and place to reside, except the subject property. However, the third respondent is not accepting her and with intention to drive away from the subject property, he created so many problems. Further, the third respondent lodged a complaint for the allegation that the petitioner as well as the fourth respondent herein, threatened the third respondent and also failed to maintain her. Thereafter, the entire premises was locked and the third respondent was driven out from the house. Now, she is residing in her daughter's house. Therefore, the third respondent lodged a complaint before the second respondent. After due enquiry, the second respondent ordered the third respondent. Who being the senior citizen, directed the petitioner and the fourth respondent herein to maintain her in proper manner and also have cordial relationship with the third respondent, failing which, they shall vacate the premises and hand over the possession of the subject property to the third respondent.

3. In the interest of justice, this Court directed the petitioner as



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well as the third respondent herein to appear before this Court and the third respondent had deposed that the petitioner all along is living in a separate house and only on instructions given by the fourth respondent, she suddenly came to the subject property and had threatened the third respondent and also driven out the third respondent from the subject property. The fourth respondent also had not provided food to her and also ill-treated her. Therefore, she owned alone the petitioner or the fourth respondent to reside in the subject property. If they come to the subject property, the third respondent apprehends that they may kill her. The petitioner appeared before this Court and deposed that after, demise of her husband, she was living in her parents' house and only in the year 2019, she came to the subject property and she is ready and willing to maintain the third respondent in a proper manner and she never had driven out the third respondent from the subject property.

4. The learned Senior Counsel appearing for the petitioner submitted that the petitioner had already filed a suit in O.S. No. 64 of 2024 on the file of the Additional Sub Court, Chengalpattu, for partition in respect



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of the subject property and it is pending. Simultaneously, the third respondent also filed a suit in O.S. No. 178 of 2022 on the file of the Sub Court, Chengalpattu, for recovery of possession. Therefore, this Court finds no infirmity or illegality in the impugned order passed by the second respondent and hence, the Writ Petition is devoid of merits.

5. In the result, the Writ Petition is dismissed. However, if the petitioner succeeds in the suit for partition, she can get her portion in the subject property. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index:Yes/No
Neutral Citation/Yes/No
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To

1. The District Collector,
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Chengalpet.



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G.K.ILANTHIRAIYAN, J.

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