



WEB COPY

W.P.No.11025 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.11025 of 2024
and WMP.No.12104 of 2024

K.Amutha

... Petitioners

vs

The District Collector
Kanchipuram District.

2.The Revenue Divisional Officer,
Kanchipuram District.

3.The Deputy Superintendent of Police,
Kanchipuram District.

4.Mr.Nithish Kumar @ Ranjith Kumar

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the 2nd respondent – Revenue Divisional Officer, Kanchipuram to implement the order dated 18.01.2024 and enable the petitioner to live in the house bearing Door No.28, Sankaran Street, Mamallan Nagar, Kanchipuram.



For Petitioner : Mr.S.Giridharan
For Respondents : Mr.P.Gurunathan, AGP for R1 & R2.
Mr.C.E.Pratap, GA (crl.sie) for R3
R4 – No appearance.

ORDER

The case of the petitioner is that she is a senior citizen, her husband purchased the property in S.No.60/1B2 in No67, Arappanajery Village, Marudhi Nagar to an extent of 1980sq.ft. By a document No.3827/2006 date 04.09.2006, the petitioner's husband executed a settlement deed in favour of the 4th respondent/grand son, at that time the 4th respondent was only four years. Thereafter, the petitioner and her husband along with elder daughter were residing in the said house and died during 2022 and let out portion of the property and received rent till his life time. The petitioner's elder son, his wife and son/4th respondent were residing at Mumbai. The elder son returned to Kanchipuram during 2021 and residing with the petitioner due to his ill-health and taking medical treatment. Subsequently, the 4th respondent at the instigation of his mother taking steps to sell the property. As against the said action, the petitioner's husband submitted an application to the respondents 1 & 2 to cancel the settlement deed dated 25.10.2021 and to take appropriate action against the 4th respondent. Thereafter, the 4th respondent sent out the petitioner, her son and locked the



house. The petitioner is staying away from Kanchipuram and his elder son died recently. The second respondent after conducting enquiry passed the order directing the 3rd respondent to take steps enabling the petitioner to live in the house without any hindrance till her lifetime. As per the orders of the 2nd respondent, the petitioner approached the Inspector of Police, Kancheepuram, he has not taken any steps to comply with the order. Hence, the petitioner filed the present petition.

2. The learned Government Advocate appearing for the 3rd respondent submitted that the 3rd respondent is taking every steps to the interest of the senior citizen and also conduct periodical checkups in the said house.

3. Pursuant to the order of this Court dated 18.06.2024, the learned Advocate Commissioner appointed by this Court inspected the premises and filed his report, wherein it is stated that the Door No.29, Sankaran Street, Kanchipuram District has totally 5 portions, the petitioner is residing in one portion in the ground floor and her son Dilip Kumar residing in other portion and rented out the other portions. The petitioner is receiving a family pension of Rs.20,000/- p.m. In Door No.28, Sankaran Street, Maruthi Nagar, Kanchipuram District has two residential portions the 4th respondent



and his family residing in the first floor and the ground floor has been rented out.

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4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side), learned Additional Government Pleader and the learned Advocate Commissioner and perused the materials available on record.

5. On perusal of records and the report filed by the learned Advocate Commissioner, this Court directs the 4th respondent not to evict or chase out the petitioner from the house till her life time. It is also made clear, the 4th respondent at any point of time shall not make any encumbrance over the property till the petitioner's life time. Further, the 3rd respondent is directed to conduct periodical checkup in the house.

6. This Court directs, the petitioner to pay a sum of Rs.25,000/- to the learned Advocate Commissioner towards additional remuneration, within a period of one week from the date of receipt of a copy of this order.



7. With the above direction, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

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Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

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Kanchipuram District.

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V.BHAVANI SUBBAROYAN, J.

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