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W.P.No.23989 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2024

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No. 23989 of 2024

Mohamed Unis

.... Petitioner

Vs

1.The District Collector,
Perambalur District,
Perambalur.

2.The Revenue Divisional Officer and
Presiding Officer for Special Cases,
Perambalur Division,
Perambalur District.

3.M.Zerina Begum

4.Siddiq

.... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari calling for the records of the first respondent vide inter proceedings Se.Mu.Order No.COLREV/30820/2023-D1, dated 12.01.2024 and quash the same.

For Petitioner : Mr.G.Ilamurugu

For R1 & R2 : Mr.S.J.Mohammed Sathik
Government Advocate



W.P.No.23989 of 2024

ORDER

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This Writ Petition has been filed challenging the order dated 12.01.2024 passed by the first respondent, thereby directed the petitioner to accommodate the third respondent herein in the portion of the house owned by her husband.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 & 2 and perused the materials available on record.

3. The petitioner is the son born through the first wife of one Mohammed Ali. After birth of the petitioner, his mother died and as such, his father got married to the third respondent as second wife. After their marriage, she gave birth to the fourth respondent. While being so, the property, which was owned by the third respondent, was already settled in favour of the fourth respondent by way of a Settlement Deed dated 08.10.2015 registered vide Document No.5295/2015. That apart, the third respondent also possessed a house site bearing Plot Nos.138 & 137 admeasuring 2400 sq.ft. situated at Keelakarai Village, Perambalur Taluk. After the death of her husband, the third respondent was driven



W.P.No.23989 of 2024

out from the petitioner's house and as such she filed a petition for maintenance before the Family Court, Perambalur in M.C.No.68 of 2020 and also filed a suit for partition in O.S.No.161 of 2019 on the file of the Sub Court, Perambalur.

4. Pending those cases, the petitioner lodged a complaint before the first respondent seeking maintenance and also pleaded for residence. It was rightly considered by the first respondent and directed the petitioner to accommodate the third respondent in a portion of the house. Insofar as the maintenance is concerned, the claim made by the third respondent was rejected and directed to seek the remedy in the maintenance case which is pending on the file of the Family Court, Perambalur in M.C.No.68 of 2020. Therefore, the contention raised by the petitioner that the third respondent had already possessed the house plot and without seeking maintenance as against the fourth respondent as biological son, the maintenance sought for by the petitioner cannot be countenanced. Admittedly, after the death of the petitioner's mother, his father got married the third respondent only to take care of the petitioner. After the demise of the husband of the third respondent, she was driven out from the petitioner's house and now she is in street. Further, she is not having any place to stay.



W.P.No.23989 of 2024

5. In view of the above, this Court finds no infirmity or

illegality in the order dated 12.01.2024 passed by the first respondent.

Thus, the writ petition is devoid of merits and it is liable to be dismissed.

Accordingly, this writ petition stands dismissed. No costs.

21.08.2024

Internet : Yes

Index : Yes/No

Speaking/Non-speaking order

Neutral Citation : Yes/No

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To

1.The District Collector,
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2.The Revenue Divisional Officer and
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W.P.No.23989 of 2024

G.K.ILANTHIRAIYAN, J.

Lpp

W.P.No.23989 of 2024

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