



W.P(MD)No.4772 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4772 of 2024

and

W.M.P.(MD)Nos.4579 and 4581 of 2024

Murugesan

... Petitioner

Vs.

1.The Appellate Tribunal Officer,
The Maintenance of Parents and Senior Citizen
Welfare Officer – Cum – The District Collector,
Office of the District Collector,
Madurai District.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Thirumangalam Revenue Division,
Madurai District.

3.Subbaiyah

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records connected with the Impugned order passed by the Respondent No.1 in Mu.Mu.No.22936/2022/C6 dated 12.02.2024 and quash the same as illegal, consequently forbear the Respondent No.1 from evicting the petitioner and his



W.P(MD)No.4772 of 2024

family members from the dwelling house situating in 15/1 Gopalipuram, Near
Sourashtra College, Vilacheri main road, Madurai District.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.D.Gandhiraj,
Spl. Government Pleader for R1 & R2.

ORDER

Heard the learned counsel for the writ petitioner and the learned Special Government Pleader for the respondents 1 and 2.

2.The third respondent herein filed a petition before the Maintenance Tribunal for evicting the petitioner herein from the petition mentioned house. The Maintenance Tribunal passed order dated 10.09.2022 directing the petitioner from interfering with the right of the third respondent to reside in the petition mentioned house. Aggrieved by the same, the third respondent filed appeal before the first respondent. The first respondent vide order dated 05.02.2024 directed the petitioner to vacate the petition mentioned house within fifteen days. Direction was also issued to the jurisdictional police to provide aid for enforcing the said order. Questioning the same, the present writ petition came to be filed.



W.P(MD)No.4772 of 2024

WEB COPY

3.I wanted to know from the petitioner's counsel that if the property had been settled in favour of the petitioner. The answer is in the negative. I wanted to know if the property is in the name of the petitioner. The learned counsel for the petitioner states that while the land belongs to the third respondent, the building was put up by the petitioner. I asked the petitioner's counsel to place materials to show that the construction was in the name of the petitioner. This can be established by producing the approval proceedings in the name of the petitioner. It appears that the approval proceedings are also in the name of the third respondent. In these circumstances, the eviction order passed by the first respondent is very much sustainable.

4.The petitioner is residing in the house with his family. He is having three children. The petitioner cannot therefore be called upon to vacate the house within overnight. He would require reasonable time to make alternative arrangements. The impugned order is therefore directed to be put on hold till 20.05.2024. On 21.05.2024, the petitioner has to vacate from the petition mentioned house along with his family members. It is of course open to the petitioner to amicably resolve the issues in the meanwhile.



W.P(MD)No.4772 of 2024

WEB COPY

5.This writ petition is dismissed with the aforesaid directions. No costs.

Consequently, connected miscellaneous petitions are closed.

01.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:

- 1.The Appellate Tribunal Officer,
The Maintenance of Parents and Senior Citizen
Welfare Officer – Cum – The District Collector,
Office of the District Collector,
Madurai District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Thirumangalam Revenue Division,
Madurai District.



WEB COPY



W.P(MD)No.4772 of 2024



WEB COPY



W.P(MD)No.4772 of 2024

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.4772 of 2024

01.03.2024