



W.P(MD)No.8134 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8134 of 2024

and

W.M.P.(MD)Nos.7354 & 7356 of 2024

Anbumathi

... Petitioner

Vs.

**1.The District Collector,
Tirunelveli District,
Tirunelveli.**

**2.The Sub Collector,
Cheranmahadevi,
Tirunelveli District.**

3.Koyilmani Ammal

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the impugned order in Moo.Mu.2115/2023/A3 dated 18.05.2023 on the file of the 2nd Respondent and quash the same.

For Petitioner : Mr.K.Jeyamohan

For Respondents : Mr.S.Sasikumar

Additional Government Pleader for R1 & R2

: Mr.B.N.Rajamohamed for R3



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ORDER

Heard the learned counsel on either side.

2. The petitioner is the daughter-in-law of the third respondent. The petitioner's husband passed away. The petitioner is in possession of the petition mentioned house. Aggrieved by the conduct of the petitioner, the third respondent moved the maintenance tribunal. The maintenance tribunal vide proceedings dated 18.05.2023 directed the petitioner to hand over the key of the premises to the third respondent. Questioning the same, the present writ petition came to be filed.

3. The third respondent has filed a detailed counter affidavit. After hearing the learned counsel on either side, I am satisfied that the writ petition can be disposed of on certain appropriate terms.

4. The petitioner is a widow. Her husband had passed away some 20 years ago. Even though the petitioner is having another house away from the village, for the purpose of conducting tuition classes, the petitioner uses the petition mentioned premises. The petitioner is having a physically disabled child (dumb). The petitioner states that conducting tuition classes is her only



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source of livelihood. Since the petition mentioned premises is located within the town, she is able to conduct the classes. The third respondent / mother-in-law appears to be quite fair. She only states that she ought not to be confined to the kitchen. Her further grievance is that the petitioner locked the premises and that the third respondent is constrained to be with her daughter elsewhere. That the petition mentioned premises is the absolute property of the third respondent is beyond dispute. I also hold that the maintenance tribunal is very much having right to pass an order of eviction to restore the property to the senior citizens. But considering the special facts and circumstances in which the petitioner is placed, the the third respondent has no objection for the petitioner to conduct the tuition classes from 05.00 pm to 09.00 pm. This assertion and grace shown by the third respondent is placed on record. Availing the same, the petitioner can continue to run her tuition classes from 05.00 pm to 09.00 pm.

5. The house has two entrances. One entrance can be used exclusively by her mother-in-law. The other entrance which is already used by the petitioner will henceforth have a lock having two keys. One key will be with the mother-in-law. The other key will be with the daughter-in-law. The petitioner shall not restrain the movement of the mother-in-law at any point of time. The petitioner shall immediately provide the duplicate key to the third respondent. In the



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event of the third respondent passing away, her final rites will be conducted only in the petition mentioned premises. The petitioner shall not raise any objection then. The petitioner should be respectful towards the third respondent and not harass her in any manner.

6. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

19.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
rmi

NOTE: Issue Order Copy on 23.07.2024

To

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Sub Collector,
Cheranmahadevi,
Tirunelveli District.

G.R.SWAMINATHAN, J.



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