



W.P.No.921 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2025

CORAM

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN**

**W.P.No.921 of 2025 and**  
**W.M.P.Nos.5166 & 5167 of 2025**

H.Velayutham

... Petitioner

Vs.

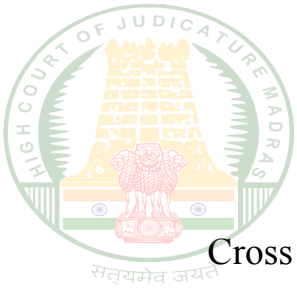
1.The District Collector,  
4th Floor, 62, Rajaji Salai,  
Chennai 600 001.

2.The Revenue Divisional Officer,  
Revenue Divisional Office,  
North Chennai Division,  
Puzhal, Chennai - 600 066.

3.V.Moorthy

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, seeking to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 16.08.2024 and consequently, to implement the order of the 2nd respondent dated 06.01.2023 made in Na.Ka.No.A45/420/2022 and put the petitioner in possession of the petitioner's property situated at D.No.H5/8125, 3rd



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Cross Street, KKR Town, Thapalpetti, Kodungaiyur, Chennai 600 118  
under the Maintenance and Welfare of Parents and Senior Citizen Act  
2007 by evicting the third respondent within a time frame to be fixed by  
this Court.

For Petitioner : Mr.R.Manibarathi

For Respondents : Mr.M.Digvijaya Pandian for R3  
Mr.S.J.Mohamed Sathik, GA for R1 & R2

### **ORDER**

This Writ Petition has been filed to direct the respondents 1 and 2  
to consider the petitioner's representation dated 16.08.2024 and  
consequently, to implement the order of the 2nd respondent dated  
06.01.2023 made in Na.Ka.No.A45/420/2022 and put the petitioner in  
possession of the petitioner's property situated at D.No.H5/8125, 3rd  
Cross Street, KKR Town, Thapalpetti, Kodungaiyur, Chennai 600 118  
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**2. The case of the petitioner is as follows:**

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The petitioner worked as a Driver in Heavy vehicle at a private Transport Company and earned monthly salary and had taken care of his children. He purchased a property at D.No.H5/8125, 3rd Cross Street, KKR Town, Thapalpetti, Kodungaiyur, Chennai 600 118, by virtue of a sale deed dated 31.07.1994 and the same was registered as Document No.6134/1994 at the office of the Sub-Registrar, Sembiam.

3. It has been stated that in the year 2018, the petitioner suffered medically for paralysis attack and not able to move and therefore, he had no sources of income. It has been stated that his son / third respondent had purchased a property at D-1/410, Ground Floor, KKR Town, Thapalpetti, Kodungaiyur, Chennai 600 118 and had let out the property for rent. It had been stated that the third respondent had paid a sum of Rs.4,000/- per month as a maintenance to the wife of the petitioner, but not to the petitioner. The petitioner's wife had died on 20.05.2021. Thereafter, the petitioner had given a petition to the second respondent seeking to evict the third respondent.



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4. The second respondent had passed an order on 06.01.2023 in Na.Ka.No.A5/420/2022, stating that the petitioner must be permitted to enjoy his property for which he has title, in accordance with his pleasure and will. The petitioner had requested the third respondent to evict and deliver the vacant possession. But the third respondent had refused. Under those circumstances, this Writ Petition has been filed placing obligation on the first respondent / District Collector to put into effect the order of the second respondent.

5. A direction had been given to the first respondent during the course of the hearing of the Writ Petition to take positive steps to put the petitioner in possession of the property. Thereafter, this Court had directed the first respondent to conduct enquiry to determine the factual situation with respect to the possession of the property. A status report has been filed by the first respondent, wherein, it has been stated as follows:

*"3. In compliance with the direction issued by this Hon'ble Court in W.P.No.921 of 2025, a preliminary hearing was conducted on 25.06.2025 at*



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*11:30 AM. Summons was duly issued to both the petitioner and the third respondent. Both parties appeared and participated in the enquiry. The findings and observations are humbly submitted as follows:*

*4. It is respectfully submitted that both the petitioner and the third respondent are currently residing in the same premises bearing Door D.No.H5/8125, 3rd Cross Street, KKR Town, Thapalpetti, Kodungaiyur, Chennai 600 118. The Ground Floor of the property, measuring approximately 430 Square Feet, is internally partitioned. The petitioner is residing in a portion measuring approximately 200 Square Feet, which included a separate bathroom and toilet. The remaining portion is being occupied by the third respondent, along with his wife and two sons.*

*5. It is further submitted that the third respondent is regularly paying the property tax, water and sewerage charges and electricity bills for the said premises. It is also submitted that the third respondent owns another residential property situated at Door No.D1/4103, 9th Cross Street, KKR Town, Thapalpetti, Kodungaiyur, Chennai 600 118, which measures about 400 Square Feet. The said property is currently rented*



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*out. The third respondent has stated that the property is under a housing loan, for which he is paying an EMI of approximately Rs.20,000/- per month.*

*6. It is respectfully submitted that, based on the statements of both parties, no formal settlement or deed of partition appears to have been executed between them regarding the subject property.*

*7. It is further submitted that the petitioner has expressed his unwillingness to reside under the care of the third respondent and has declined to accept any monetary assistance or other provisions offered by the third respondent."*

6. It is thus seen that the total ground floor of the property measures approximately 430 Sq.ft. The petitioner is living in a portion measuring approximately 200 Sq.ft. which includes a separate bathroom and toilet. The remaining portion is occupied by the third respondent along with his wife and two sons. With respect to the other property owned by the third respondent at Door No.D1/4103, 9th Cross Street, KKR Town, Thapalpetti, Kodungaiyur, Chennai 600 118, it is also measuring about 400 Sq.ft. It had been stated by the first respondent that



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the property had been rented out and there is a house loan for which the third respondent is paying equated monthly instalments of about Rs.20,000/- every month. It had also been very specifically stated that the petitioner had expressed unwillingness to receive any monetary assistance and other provisions offered by the third respondent.

7. I only hope that the learned counsel for the petitioner had prevailed upon the petitioner. It would be in the interest of the parties and for peace in the family that some reconciliation is reached. As the senior member of the family, the petitioner should accept the realities of a growing family. The third respondent has his responsibilities and he has to look after his wife and also his two children. This Court had repeatedly offered assistance of mediation to be put in place to resolve the issues between the parties. But there seems to be no inclination to accept the said offer made by the Court, though the learned counsel for the third respondent was ready to accept that particular offer.



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8. The report of the District Collector very clearly shows that both the petitioner and the third respondent are living in two separate partition they have effected in a small area of 430 Sq.ft. The petitioner had also refused any monetary assistance.

9. The learned counsel for the third respondent has stated that the third respondent is prepared to pay maintenance of Rs.5,000/- per month. This proposal was put to the learned counsel for the petitioner who in turn put it to the petitioner who was present in the Court. But the petitioner has vehemently refused to receive any amount from the third respondent. But at any rate, owing to the obligation that the third respondent has towards his own father, a direction is given to the third respondent to open a Recurring Deposit in any nationalised Bank in the names of the children of the third respondent and a sum of Rs.2,500/- each may be deposited in the Recurring Deposit in the names of the two children and as nominee, in the said account the name of the petitioner may be included. If at any point of time, when the children become a



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little older, they can take care of their grandfather from the amount which accrues in the Recurring Deposit.

10. I am confident that though the petitioner would have animosity against his son, he would not carry over that animosity to his own grandchildren. It is for that reason, all these arrangements have been made. In view of the report filed by the District Collector that the petitioner is in occupation of a portion of the building and that the third respondent is in occupation of the other portion, I hold that no further orders are required in this Writ Petition.

11. In the result, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes /No  
Internet : Yes/No  
Speaking / Non-speaking  
gsk

**24.07.2025**



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**C.V.KARTHIKEYAN, J.**

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To

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- 2.The Revenue Divisional Officer,  
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