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W.A.No.359 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.A.No. 359 of 2022

Dhanalakshmi

...Appellant

Vs.

1.Dhanraj

2.The District Collector,
Krishnagiri District,
Krishnagiri.

3.The Revenue Divisional Officer,
Hosur, Krishnagiri District.

4.Rajkumar

5.Venkatesh Babu

...Respondents

PRAYER: The Writ Appeal filed under Clause 15 of the Letters Patent praying to set aside the order dated 28.01.2022 passed in W.P.No.2360 of 2020 and consequently dismiss the Writ Petition No.2360 of 2020.

For Appellant : Mr.T.Saikrishnan



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For Respondents : Ms.J.Swetha
for Mr.K.Goviganesan for R1
Mr.Vadivelu Deenadayalan,
Addl. Govt. Pleader for R2 and R3

R4 – No appearance

R5 – Not ready in notice.

J U D G M E N T

(Judgment of the Court was delivered by S.M.SUBRAMANIAM, J.)

Writ order dated 28.01.2022 made in W.P.No.2360 of 2020 is under challenge in the present intra-Court appeal.

2. Fifth respondent in Writ Petition is appellant before this Court. First respondent Mr.Dhanraj is a senior citizen and submitted an application before Senior Citizens Tribunal under provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 [hereinafter referred to as “The Act”] seeking cancellation of gift deed executed by him on 15.02.2007 in favour of appellant. Appellant is the daughter of senior citizen Dhanraj. Property gifted is a self-acquired property of Dhanraj. Appellant would submit that she borrowed loans and constructed a building. Admittedly five houses are



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constructed in the said property and leased out to third parties. Appellant settled the property in favour of her husband, who in turn is receiving rents from lessees. Since appellant has not looked after 1st respondent / senior citizen, he made an application seeking cancellation of gift deed.

3. The Revenue Divisional Officer, Hosur adjudicated the issues by affording opportunity to parties and declined to grant relief of cancellation of gift deed. Aggrieved by said order, senior citizen preferred an appeal before the District Collector. The District Collector passed orders under proceedings dated 22.11.2019 confirming the order passed by the Revenue Divisional Officer, Hosur. Thus, Writ Petition came to be instituted by senior citizen. Writ Court granted the following relief:-

12. In the facts and circumstances as aforesaid, this Court is inclined to dispose of the writ petition with the following directions:-

(a) The 5th respondent is directed to pay the monthly maintenance amount of Rs.10,000/- to the petitioner on or before the 5th of every English calendar month;

(b) The petitioner is directed to communicate a copy of



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the aforesaid order to the 5th respondent through Registered

Post with Acknowledgement Due;

(c) On receipt of a copy of the order, the 5th respondent is directed to pay the arrears of maintenance from 1.3.2019 till date to the petitioner within a period of one week from the date of receipt of a copy of the order; and

(d) If the 5th respondent pays the maintenance amount regularly, respondents 1 and 2 shall not evict the 5th respondent from the premises and failure to pay the amount of Rs.10,000/- every month, the petitioner shall communicate the said fact to respondents 1 and 2 and on receipt of the said communication, respondents 1 and 2 are directed not only to evict the 5th respondent from the subject property, but also cancel the settlement deed granted in favour of the 5th respondent and hand over possession of the house and house site to the petitioner and also register a case under the Act against the 5th respondent.

4. Aggrieved by directions issued by Writ Court to pay monthly maintenance of Rs.10,000/-, present intra-Court appeal came to be instituted.



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5. Mr.T.Sai Krishnan, learned counsel appearing on behalf of appellant

would submit that appellant is ready and willing to pay monthly maintenance of Rs.10,000/-. However, cancellation of gift deed cannot be done in view of fact that the Act came into force with effect from 29.09.2008, but gift deed was executed by 1st respondent on 15.02.2007, which is prior to the Act. Thus, rejection order passed both by the Revenue Divisional Officer and the District Collector are in accordance with law.

6. The learned counsel for 1st respondent would oppose by stating that 1st respondent senior citizen is suffering from cancer and taking continuous treatment for more than 10 years. To substantiate said submission, medical records are placed before this Court. First respondent would submit that he is now residing in a rented house and not allowed to live in his own property, gifted in favour of appellant/ daughter of senior citizen.

7. Present case was heard on multiple occasions by this Court. On instructions, learned counsel appearing on behalf of parties to the lis would



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contend that appellant is ready and willing to pay monthly maintenance of Rs.10,000/-. However, learned counsel for 1st respondent would submit that a sum of Rs.10,000/- as maintenance would be insufficient to meet out medical expenses, since 1st respondent is taking treatment for cancer for more than 10 years and presently he is aged about 86 years. He is residing in rental house and therefore senior citizen would contend that atleast ground floor portion of said house may be allotted to him till his life time, enabling to spend his life in his own property.

8. At this juncture the learned counsel appearing for appellant would submit that appellant may be permitted to withdraw the present Writ Appeal.

9. This Court declined to accept said request, since, case was argued on several occasions and this Court also expressed its views regarding objectives of the Act to protect life and interest of senior citizen under provisions of the Act. As far as monthly maintenance of Rs.10,000/- is concerned, appellant has no objection to pay without committing any default.



As far as subject property is concerned, it is not in dispute that it is a self-acquired property of 1st respondent and gifted in favour of appellant. Right to life of a senior citizen must be ensured under provisions of the Act.

10. “Maintenance” has been defined under Section 2(b) of the Act, which include provisions for food, clothing, residence and medical attendance and treatment. Section 4(2) of the Act enumerates that obligation of children or relatives, as the case may be, to maintain senior citizen extends to meeting their needs so they can lead a normal life. The word “normal life” is to be interpreted pragmatically to assure that senior citizen is able to live incommensurate to his status and without compromising his needs. Normal life cannot be construed as mere life. In the present case, 1st respondent senior citizen was holding post of Deputy Superintendent of Police and led a decent life. Therefore, his standard of life is to be protected to ensure normal life within the meaning under Section 4(2) of the Act.

11. Since appellant has promised that she will continue to pay monthly



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maintenance of Rs.10,000/- to 1st respondent/ senior citizen, this Court has to

protect residence of senior citizen in his self acquired property. Rule 20 of the Maintenance and Welfare of Parents and Senior Citizens Rules provides “Duties and powers of the District Collector”. Rule 20(2)(i) states that it shall be duty of the District Collector to ensure that life and property of senior citizens of the District are protected and they are able to live with security and dignity.

12. In the present case, senior citizen is presently residing in a rented house. But, learned counsel for appellant would submit that he is living along with his son. Even in such a case, senior citizen is entitled to have right of residence in his self-acquired property till his life time. It is not in dispute that subject property is a self-acquired property of senior citizen and gifted in favour of appellant and five independent portions in one block are constructed. Thus right of senior citizen minimum to occupy ground floor portion should be ensured by this Court, to protect his life, enabling him to lead his life with security and dignity.



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13. “Right to life” under Article 21 includes shelter. Thus, right of residence cannot be denied to senior citizen, for occupying one portion of property. That apart, after execution of gift deed by 1st respondent / senior citizen in favour of appellant, she has transferred subject property in favour of her husband. Husband of appellant is now receiving rents from five portions. Therefore, this Court is of considered view that entire ground floor portion is to be handed over to senior citizen to lead his life with security and dignity along with monthly maintenance of Rs.10,000/- as ordered by Writ Court, which is to be paid by appellant on or before 10th of every English calendar month.

14. In view of facts and circumstances, Writ order impugned stands modified to an extent of handing over ground floor portion of subject property situate at Door No.4/382, I Street, Moovendar Nagar, Bogalur Road, Hosur – 635 1019, Krishnagiri District to senior citizen/ 1st respondent till his life time. Appellant and her husband shall possess the remaining portions at first floor and second floor of the building.



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15. The District Collector, Krishnagiri District is directed to vacate ground floor portion of the building at Door No.4/382, I Street, Moovendar Nagar, Bogalur Road, Hosur – 635 1019, Krishnagiri District within a period of two months from the date of receipt of a copy of this order and handover the said portion to 1st respondent Senior citizen Mr.Dhanraj and protect his life and dignity, enabling him to lead peaceful life in said property till his life time. Appellant is directed to cooperate with the District Collector for vacating property and to handover the same to senior citizen. Appellant is directed to pay monthly maintenance of Rs.10,000/- to 1st respondent as per order of writ Court, impugned in present Writ Appeal.

16. Accordingly, Writ Appeal stands **disposed of**. No costs.

(S.M.S., J.) (M.S.Q., J.)

03.11.2025

dsa

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Index :Yes/No
Neutral Citation :Yes/No
Speaking/Non-speaking order



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**S.M.SUBRAMANIAM, J.,
and
MOHAMMED SHAFFIQ, J.,**

(Order of the Court was made by **S.M.SUBRAMANIAM, J.**)

This matter is listed today under the caption 'for being mentioned'.

2. It is submitted that in paragraph Nos.14 & 15 of the order dated 03.11.2025, address of the portion directed to be vacated has been wrongly mentioned as Door No.4/382, I Street, Moovendar Nagar, Bagalur Road, Hosur – 635 1019, Krishnagiri District instead of *Door No.4/385, Plot No.320, I Street, Moovendar Nagar, Bagalur Road, Avalapalli Village, Hosur – 635 109, Krishnagiri District.*

3. Considering the above submission, the address mentioned in paragraph Nos.14 & 15 of the order dated 03.11.2025 shall be substituted with the address *Door No.4/385, Plot No.320, I Street, Moovendar Nagar, Bagalur Road, Avalapalli Village, Hosur – 635 109, Krishnagiri District.*

**(S.M.S.J.) (M.S.Q.J.)
13.11.2025**

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P.S.: Registry is directed to issue corrected order copy.

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To

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- 1.The District Collector,
Krishnagiri District,
Krishnagiri.
- 2.The Revenue Divisional Officer,
Hosur, Krishnagiri District.



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S.M.SUBRAMANIAM, J.
and
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