



WEB COPY

W.A.No. 1228 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No. 1228 of 2025
and
C.M.P.Nos. 9349 & 9352 of 2025

V.Moorthy

...Appellant

Vs.

1.H.Velayutham

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

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

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 21.01.2025 made in W.P.No.921 of 2025.

For Appellant : Mr.Kanmani Annamalai
for Mr.Digvijayapandian



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J U D G M E N T

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

Challenge is to the interim order passed by the writ Court, directing the Authorities to take steps to implement the order of the 3rd respondent made in a proceeding under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 dated 06.01.2023, in and by the said order, the 3rd respondent had held that the 1st respondent is entitled to be in possession of the house belonging to him bearing Door No.H5/8125, 3rd Cross Street, KKR Town, Thapalpetti, Kodungaiyur, Chennai – 600 118. The order also states that the 1st respondent would be entitled to let out the house and enjoy the income therefrom.

2. Though the appellant challenged the said order by way of an appeal before the appellate authority namely, the District Collector, the said appeal was rejected by a speaking order dated 15.05.2023. Thereafter, the appellant sought for a revision of the order by the Collector on 05.06.2023. Though a writ petition was filed, challenging the order made in the appeal dated 15.05.2023, the same was withdrawn. The learned counsel for the appellant would claim that the appeal was withdrawn because the Collector



permitted the appellant to seek review of the order before the Revenue Divisional Officer. In order to buttress the said submission, the proceedings of the Collector dated 24.07.2023 are relied upon.

3. A perusal of the orders does not support the contention of the learned counsel for the appellant. The Collector under a misunderstanding of the scope of the proceedings under the enactment of the year 2007 had stated that the review would lie under RSO-8 of the revenue standing orders. Be that as it may, the writ petition filed by the appellant, challenging the proceedings of the Revenue Divisional Officer dated 06.01.2023 stands dismissed. Therefore, as of today, the order of the Revenue Divisional Officer has become final.

4. The Hon'ble Supreme Court in ***Urmila Dixit Vs. Sunil Sharan Dixit and Others*** reported in ***2025 INSC 20*** has held that the Authorities under the Act have the power to put the claimant in possession of the property, to which, he is entitled to by virtue of an order passed under the Act. The interim order passed by the learned single Judge on 21.01.2025 only gives effect to the said pronouncement of the Hon'ble Supreme Court.



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Hence, we see no reason to interfere with the order of the learned single

Judge. This Writ Appeal therefore, fails and it is accordingly, **dismissed**.

No costs. Consequently, connected miscellaneous petitions are closed.

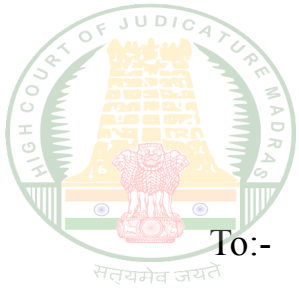
(R.S.M., J.) (G.A.M., J.)
22.04.2025

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Index: No

Speaking order

Neutral Citation : No



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