



W.P.No8462 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.8462 of 2023

Suresh Kumar

: Petitioner

Vs.

1.The District Collector Cum
Appellate Authority,
O/o.District Collector,
Nagapattinam District.

2.The Sub-Divisional Magistrate Cum
Revenue Divisional Officer,
Senior Citizen Welfare and Maintenance
Tribunal,
O/o.Revenue Divisional Office,
Nagapattinam District.

3.S.Rajamani

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorari, calling for the records of the order of maintenance vide proceedings in Na.Ka.No.1803/Paa.A/2022 dated Nil passed by the first respondent and quash the same.



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For Petitioner :Mr.P,Muthamizh Selvakumar
For Respondents :Mr.P.Ganesan
Additional Government Pleader
for R1 and R2
Mr.G.K.Gaakay Chandhar
for R3

ORDER

The present writ petition is filed challenging the order of maintenance vide proceedings in Na.Ka.No.1803/Paa.A/2022 dated Nil passed by the first respondent and quash the same.

2. The case of the petitioner is that the petitioner is residing in No.96 A, New Arch Road, Melakottaivasal, Nagapattinam Taluk, Nagapattinam District for several years along with one unmarried daughter, son and daughter in law. The petitioner's wife expired many years ago. Petitioner is doing driving on daily wages basis for his livelihood and his son is working as cooli on daily wages basis. Originally the petitioner's father, Sundarajan worked as a Superintendent of Education Department and retired. He had two wives. The third respondent herein is the second wife of the deceased father. The third respondent worked in the



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Government Sector and retired and now she is a pension holder. The petitioner's father and third respondent had 5 sons and 3 daughters and petitioner is the second son. All the other children are married and settled. The father had executed an unregistered Will during his lifetime with respect to the subject property. However, petitioner's father expired on 29.12.2022. The third respondent, prior to the death of deceased father had filed an application dated 10.08.2022, before the second respondent seeking removal of petitioner's name from the subject property. The second respondent vide proceedings dated 17.10.2022 directed that the third respondent shall reside in the subject property and the Deputy Superintendent of Police was directed to provide police protection to the third respondent. Aggrieved by the same, the petitioner and the third respondent preferred appeals before the first respondent. The first respondent passed an order dated Nil in Na.Ka.No.1803/Paa.A/2022 directing the District Superintendent of Police, Nagapattinam to vacate the petitioner and his family from the place of Ward No.2, Block No.26, T.S.No.1664-1 and to provide police protection the third respondent. Challenging the same, the petitioner has filed the present writ petition.

3. This Court, on 17.03.2023, while admitting the writ petition granted an interim order on condition that the petitioner pays a sum of Rs.10,000/- to the third respondent every month till the disposal of the writ petition. However, the



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petitioner has not complied with the condition imposed by this Court.

4. The learned counsel for the petitioner, on instructions, would submit that originally the property belong to the grandmother of the petitioner namely mother in law of the third respondent . The petitioner's grandmother never settled the property either in favour of petitioner's father or in favour of third respondent. The petitioner's father executed a Will to all legal heirs and in which the third respondent also entitled to reside along with them. However, evicting the petitioner and allowing the third respondent in the subject property is unsustainable one. The petitioner is ready to share the subject property along with the third respondent and according prays for.

5. The learned counsel for the third respondent submitted that the petitioner is not residing in the subject property along with his family members. He is residing somewhere else. Therefore, the first respondent directed the petitioner to vacate the subject property. The maintenance amount has also not paid to the third respondent by the petitioner.



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6. Learned Additional Government Pleader would submit that they would abide by any order to be passed by this Court.

7. Heard the learned counsel for the petitioner, learned counsel for the third respondent and learned Additional Government Pleader for respondents 1 and 2.

8. The third respondent made a complaint as against the petitioner before the second respondent. The second respondent granted permission to the third respondent to reside in the subject property and the same was confirmed by the first respondent. Duty is cast upon the petitioner to provide peaceful living habitation to the third respondent in the subject property and the same was denied. This Court directed the petitioner to pay maintenance amount to the petitioner. The said order has not been complied with by the petitioner. This court cannot show any leniency to the petitioner. Therefore, the order of the District Collector cannot be set aside. Accordingly, this writ petition stands dismissed. There shall be a direction to the jurisdictional Deputy Superintendent of Police, to ensure the residing of the third respondent in the disputed property within a period of two weeks from the date of receipt of a copy of this order and put the third respondent in possession in the disputed property within a period of three weeks from the date of receipt of a copy of this order.



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9. The writ petition stands dismissed with the above directions. No costs.

Consequently, WMP No.8662 of 2023 is closed.

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Speaking (or) Non Speaking Order

Neutral Citation: Yes/No

mrn

To

1.The District Collector Cum

Appellate Authority,

O/o.District Collector,

Nagapattinam District.

2.The Sub-Divisional Magistrate Cum

Revenue Divisional Officer,

Senior Citizen Welfare and Maintenance

Tribunal,

O/o.Revenue Divisional Office,

Nagapattinam District.



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M.DHANDAPANI, J.

(mrn)

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