



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2025

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CORAM

**THE HONOURABLE MR. JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K. RAJASEKAR**

**WA No.1084 of 2025 and
CMP No.8632 of 2025**

1. R Ramabai
No 10/27 (1st floor) Ramapuram
Agraharam kuthalam Town and Taluk
Mayiladuthurai District.

Appellant(s)

Vs

1. R Ramesh
S/o.Rajappa, No.10/27, (1st floor)
Ramapuram Agraharam, Kuthalam
Town and Taluk, Mayiladuthurai
District.

2.The Revenue Divisional Officer/
Parents and Senior Citizens Tribunal
Mayiladuthurai

3.The District Collector
Parents and Senior Citizens Appellate
Tribunal Mayiladuthurai



4.The Inspector Of Police
Kuthalam Police Station Kuththalam
Taluk Mayiladuthurai District.

Respondent(s)

WA No. 1084 of 2025

PRAYER

To set aside the order in W.P. No. 7129 of 2022 dated 06.09.2024 and pass such further or other order as this Hon'ble Court

CMP No. 8632 of 2025

PRAYER

To grant an ad interim stay of the Judgment in W.P. No. 7129 of 2022 dated 06.09.2024 for the above stated reasons.

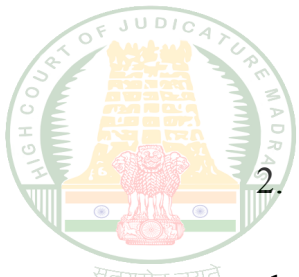
For Appellant(s): Mr.V.Raghavachari,
Senior Counsel
For Mr.Jerry V V Sundar

For Respondent(s): Ms.M.Meenatchi For R1
Mr.Vadivelu Deenadayalan,
Additional Government Pleader
For RR2 & 3
Mr.M.Babumuthumeran,
Additional Public Prosecutor

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

The writ order dated 06.09.2024 passed in W.P.No.7129 of 2022 is sought to be assailed in the present writ proceedings.



2. The appellant before this Court is the senior citizen and the fourth respondent in the writ proceedings.

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3. The appellant/senior citizen filed a complaint before the Senior Citizen Tribunal/Revenue Divisional Officer, Mayiladuthurai under the provisions of the Senior Citizens Act stating that after the death of her husband, she was residing in her matrimonial house which stands in her name. Admittedly, the appellant/senior citizen is the absolute owner of the house property. The complaint filed by the appellant before the Tribunal reveals that the first respondent is the second son of the appellant and residing in a portion of the said house. He started abusing the senior citizen and ill-treated and coerced the senior citizen for executing a settlement deed in his favour. Unfortunately, the appellant/senior citizen was driven out from the house by the first respondent despite the fact that the appellant is the owner of the property. The appellant/senior citizen had other two children who are residing separately. Since, the first respondent harassed the appellant/senior citizen both physically and mentally, she was forced to file a complaint before the Tribunal.



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4. The Revenue Divisional Officer conducted an enquiry and passed an order of eviction of the first respondent from the property and execution was also ordered. The first respondent preferred an appeal before the District Collector. Pertinently, the said appeal is not maintainable under the provisions of the Senior Citizen Act. However, the Collector also considered the issues on merits and confirmed the order of the Revenue Divisional Officer. Thereafter, the writ petition was filed by the first respondent. The writ Court, passed an order directing the first respondent to pay a sum of Rs.5,000/- as monthly maintenance in favour of the appellant/senior citizen and permitted the appellant/senior citizen to stay along with the first respondent in the same property.

5. Aggrieved by the said order, the present writ appeal came to be instituted.

6. Mr.V.Ragavachari, learned Senior Counsel appearing on behalf of the appellant would submit that the relationship is strained. Under these



circumstances, there is no possibility of living in the same premises. That apart,

the appellant is the absolute owner of the property and it is her matrimonial

home. Therefore, she is entitled to reside in her property uninterruptedly and

therefore the writ order is to be reversed.

7. Mrs.M.Meenatchi, learned counsel appearing for the first respondent would oppose by stating that the first respondent is residing in one portion of the house and that the appellant cannot have any objection to permit the 1st respondent to reside in the said portion. Further he states that he will maintain his mother by providing all amenities.

8. Mere statement in this regard would be insufficient to meet out the objectives of the Senior Citizen Act. The Act contemplates not only the payment of monthly maintenance of Rs.5,000/-. Act ensures peaceful living with dignity and with all amenities. Therefore, the scope of Senior Citizens Act is not to pay monthly maintenance to the senior citizen. The dignity of the senior citizen is to be restored in all respects and the District Collector is bound to protect the life,



property and dignity of the senior citizens in all respects. The senior citizen is entitled to reside in her own property which is her matrimonial home.

9. In the present case, there is no settlement deed was executed. Therefore, she is entitled to reside in her house uninterruptedly and the first respondent has no legal rights to reside in the said property. The legal principles and the scope and objective of Senior Citizen Act have been elaborately considered by this Court in the case of *S.Rajan vs. R. Srinivasan and others* in *W.A.No.3178 of 2024 dated 01.04.2025*.

10. In view of the fact that the senior citizen has been harassed and not allowed to occupy her own house, which is her matrimonial home, the relief granted by the writ Court is not only insufficient but not in commensurate with the scope and objectives of the Act. Thus, we are inclined to reverse the order. Consequently, the writ order impugned dated 06.09.2024 in W.P.No.7129 of 2022 is set aside. The order of the Revenue Divisional Officer/Senior Citizen Tribunal stands confirmed. The District Collector, Mayiladuthurai is directed to



restore the possession of the house property and handover the same to the
appellant/senior citizen within a period of four weeks from the date of receipt of

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a copy of this order. Writ appeal stands allowed.

(S.M.SUBRAMANIAM J.) (K.RAJASEKAR J.)
24-04-2025

ssi

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

WA No. 1084 of 2025

To

1.R Ramesh

S/o.Rajappa, No.10/27, (1st floor) Ramapuram Agraharam,
Kuthalam Town and Taluk, Mayiladuthurai District.

2.The Revenue Divisional Officer/

Parents and Senior Citizens Tribunal Mayiladuthurai

3.The District Collector

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Kuthalam Police Station Kuththalam taluk Mayiladuthurai
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R Ramabai

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PRAYER

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For Appellant(s): Ms.T.Sarayna

For Respondent(s): Ms.M.Meenatchi For R1
Mr.Vadivelu Deenadayalan,
Additional Government Pleader
For R2 & R3
Mr.M.Babumuthumeran,
Additional Public Prosecutor
For R4

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

Today, the matter was listed under the caption “For Being Mentioned” on the ground that there are inadvertent mistakes that had crept in Paragraph Nos.3 and 8 of the order. Therefore, Paragraph Nos.3 and 8 of the order dated 24.04.2025 shall be replaced as follows:

“3. The appellant/senior citizen filed a complaint before the Senior Citizen Tribunal/Revenue Divisional Officer, Mayiladuthurai under the provisions of the Senior Citizens Act stating that after the death of her husband, she was residing in her

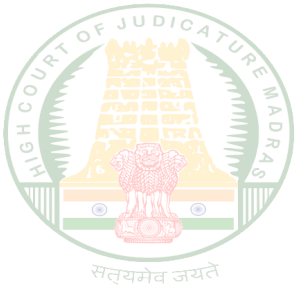


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is not only to pay monthly maintenance to the senior citizen. The dignity of the senior citizen is to be restored in all respects and the District Collector is bound to protect the life, property and dignity of the senior citizens in all respects. The senior citizen is entitled to reside in her own property which is her matrimonial home.”

2. The Registry is directed to carry out the necessary correction in the order and issue fresh order copy.

(S.M.SUBRAMANIAM J.) (K.RAJASEKAR J.)

10/09/25

Jeni



To
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