



WEB COPY

WP No. 13088 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-12-2025

**CORAM
THE HON'BLE MS. JUSTICE P.T. ASHA**

**WP No. 13088 of 2024
and
WMP Nos.14248 & 14249 of 2024**

Vinayagam

..Petitioner(s)

Vs

1. Presiding Officer Cum-The Appellate Tribunal I,
Under The Maintenance And Welfare Of Parents
And Senior Citizens Act 2007 Puducherry District
Collectorate, Puducherry.
2. The Presiding Officer Tribunal I Cum,
Sub Divisional Magistrate (north), Tribunal For
The Maintenance And Welfare Of Parents And
Senior Citizen (north) Puducherry
3. The Tahsildar Taluk Office, Puducherry
4. M.Pounammal W/o. Late. Muthukrishnan, 201
Kamaraj Salai, Pillaitthottam Puducherry 605
013

..Respondent(s)

Prayer: The writ petition is filed under Section 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in MWPSA No. 19 of 2023 dated 21.09.2023 and the order of the 2nd respondent in review Proceedings No. 915/ TMWPSA/ Review/ 2024/ 701 dated 28.03.2024 quash the same and consequently restore the peaceful possession of the petitioner's property in House located at no. 201 Kamaraj Salai, Pillaitthottam, Puducherry 605 013 without following the due process of law.



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For Petitioner(s):

Mr.C.Vigneswaran

For Respondent(s):

Mr.Sreedhar, AGP(P) for R1 to R3

Ms. V. Srimathi for R4

ORDER

The above Writ Petition has been filed for the following reliefs:-

" calling for the records of the 2nd respondent in MWPSC No. 19 of 2023 dated 21.09.2023 and the order of the 2nd respondent in review Proceedings No. 915/ TMWPSC/ Review/ 2024/ 701 dated 28.03.2024 quash the same and consequently restore the peaceful possession of the petitioners property in House located at no. 201 Kamaraj Salai, Pillaithottam, Puducherry 605 013 without following the due process of law."

2. Briefs facts:-

2.1. The 4th respondent, who is the mother of the petitioner, filed an application complaint under Section 5 and 23(1) of the Maintenance and Welfare of Parents and Senior Citizens (MWPSC) Act, 2007 before the 2nd respondent herein stating that the petitioner was employed as a Supervisor in Auro Food Company, a job which she had secured for him. She would further submit that the petitioner is living separately in a portion of her house with his wife and has not been extending any assistance to her or her husband. That



apart, she would submit that out of his own income, the petitioner had purchased two vacant sites and had also constructed a two-storey residential house. Despite this, the petitioner continues to occupy her house, and hence she prayed that he be vacated from the said property.

2.2. The petitioner herein filed a detailed counter affidavit in which he contended that the subject property was purchased by his father in the name of his mother and that he had contributed to the construction of the property. He would further submit that his mother continues to occupy the ground floor of the subject property and earns a monthly rental income of Rs.50,000/- by letting out two shops in the subject property. That apart, she is also receiving rental income from other properties. He would further submit that his mother has adequate income and also has a roof over her head. He would also submit that he has been in possession and enjoyment of a portion of the subject property for a long time. Therefore, the eviction application filed by the 4th respondent herein is not maintainable.

2.3. The 2nd respondent after hearing both parties had passed an order dated 21.09.2023 directing the petitioner to vacate the premises and hand over possession to the 4th respondent. The said order was challenged by the petitioner by filing an appeal before the 1st respondent who by an order dated 16.02.2024 rejected the appeal as not maintainable and directed the petitioner to approach



competent legal forum. Aggrieved by the same, the petitioner had filed a review petition before the 2nd respondent, who had again rejected the review petition only on the ground that the appeal was rejected by the 1st respondent and therefore the review cannot be entertained. Thereafter, the 3rd respondent without following due process of law has evicted the petitioner and locked the premises in question and handed over the key to the petitioner. Therefore, the petitioner is before this Court challenging the eviction order dated 21.09.2023 and the review order dated 28.03.2024 passed by the 2nd respondent.

3. The learned counsel for the petitioner would raise a preliminary objection regarding the maintainability of the application filed by the 4th respondent. He would submit that there is no provision under the Senior Citizens Act to order eviction. Under the said Act, a senior citizen is entitled either to maintenance or to protection from forcible eviction, or to seek cancellation of a transfer document in cases where such document contains a condition that the basic amenities and physical needs of the senior citizen would be taken care of and such condition is breached. There is no provision under the Act enabling a senior citizen to seek eviction of their children or any third party.

4. The learned counsel for the respondents would submit that the subject property belongs to the senior citizen/the 4th respondent herein and that the petitioner continues to reside therein without her permission, and therefore she



is entitled to vacant possession.

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5. Heard the learned counsel on either side and perused the records.

6. The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, enables a Senior Citizen to approach the authorities constituted thereunder in circumstances where he or she is unable to maintain himself or herself from own earnings or property and is neglected or refused maintenance by children or relatives, as contemplated under Section 4 of the Act. The Senior Citizen may seek monthly maintenance under Sections 4 and 9, enforcement of maintenance orders is under Section 9, and protection against ill-treatment or denial of basic amenities such as food, shelter, and medical care. Further, under Section 23 of the Act, a Senior Citizen is entitled to seek cancellation of transfer of property where the transferee fails to provide basic amenities and physical needs as agreed. The Act also empowers the authorities under Section 22 to ensure protection of the life and property of Senior Citizens, providing them with a speedy and efficacious remedy through summary proceedings before the Maintenance Tribunal.

7. The application seeking eviction of the petitioner, filed by the 4th respondent before the 2nd respondent, does not fall within the purview of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Therefore,



the impugned orders dated 21.09.2023 and 28.03.2024 passed by the 2nd respondent cannot be sustained and are liable to be set aside.

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8. Accordingly, the Writ Petition is allowed. The impugned orders passed by the 2nd respondents dated 21.09.2023 and 28.03.2024 are quashed. Since the very institution of the petitioner is flawed and without jurisdiction the 3rd respondent is therefore directed to restore the possession of the property situate at House No. 201, Kamaraj Salai, Pillaitthottam, Puducherry-605 013, to the petitioner within a period of 2 weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.

16-12-2025

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SHR

To

1. Presiding Officer Cum-The Appellate Tribunal
I, Under The Maintenance And Welfare Of
Parents And Senior Citizens Act 2007
Puducherry District Collectorate, Puducherry
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P.T.ASHA, J.

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