



W.P.No.20754 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:29.04.2025

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THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.20754 of 2024

and

W.M.P.No.22696 of 2024

Mr.G.Sridharan,
S/o M.Gajendran,
No.4, Maran Nagar,
Poonamallee,
Chennai 600 056.

.. Petitioner

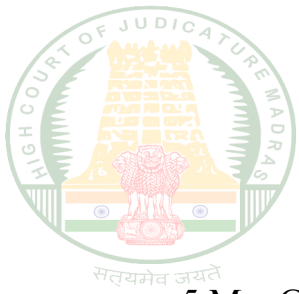
/versus/

1.The District Collector,
Thiruvallur District,
Tiruvallur 602 001.

2.The Revenue Divisional Officer,
Thiruvallur Division,
Tiruvallur 602 003.

3.The District Social Welfare Officer,
Tiruvallur District,
Tiruvallur 602 001.

4.The Inspector of Police,
T12, Poonamallee Police Station,
Chennai 600 123.



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5. Mrs. G. Egavalli,
W/o Mr. Gajendran,
No. 4, Maran Nagar,
Poonamallee,
Chennai 600 056.

.. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records on the file of the 2nd respondent in Moo.Mu.8548/2024/A6 dated 12.06.2024 and quash the same.

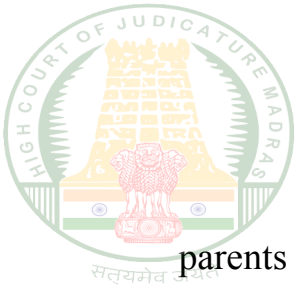
For Petitioner : Mr. M. Deivanandam
For Respondents : Mr. A. Anandan, GA for R1 to R3
Mr. R. Kishore Kumar for R4
Mr. B. Manoharan for R5

ORDER

This writ petition is filed to call for the records on the file of the 2nd respondent in Moo.Mu.8548/2024/A6 dated 12.06.2024 and quash the same.

2. The brief facts of the case is as follows:-

The petitioner is the son of the fifth respondent. His father, who is 87 years old, is suffering from dementia and other age-related ailments. The petitioner, along with his brother and their parents, resides in the shared household located at No. 4, Maran Nagar, Poonamallee, Chennai. The



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parents of the petitioner and his brother reside on the ground floor, while the petitioner and his family have been residing on the first floor of the house for the past 20 years. The said property stands in the name of the fifth respondent. It was purchased by the petitioner's father in the name of the fifth respondent using the sale proceeds from ancestral properties

3. All of a sudden, on 09.02.2024, the petitioner received a notice vide Na.Ka.No.8548/023/A6 from the Revenue Divisional Officer, Tiruvallur Division, directing him to appear for an enquiry on 20.02.2024 in connection with the petition dated 20.11.2023 filed by the fifth respondent under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, before the first respondent. However, the petitioner was unable to appear before the second respondent on 20.02.2024 due to personal inconvenience

4. Subsequently, on 21.02.2024, the petitioner received another notice directing him to appear before the second respondent on 28.02.2024. The petitioner complied with the notice and appeared on the said date, requesting three weeks' time to settle the dispute amicably. However, as no settlement could be reached, the petitioner appeared before the second respondent again



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on 26.03.2024 and requested a copy of the petition filed by the fifth respondent. Despite the request, the same was not furnished to the petitioner.

5. Further, on 23.04.2024, the petitioner received another notice vide Na.Ka.No.8548/2023/A6, directing him to appear before the second respondent on 05.06.2024. On the said date, the final hearing of the enquiry proceedings was conducted by the second respondent, during which the petitioner appeared and contested that he had not been provided with a copy of the petition dated 20.11.2023 filed by the fifth respondent. Despite his request, the petitioner was not furnished with the copy of the petition, which prevented him from submitting an effective reply. Nevertheless, the second respondent passed the impugned order dated 12.06.2024 in Moo.Mu.8548/2024/A6, directing the petitioner to repay a loan amount of Rs.23 lakhs to the fifth respondent and to vacate the house. Hence, the petitioner has filed the present writ petition seeking the aforesaid relief.

6. Heard the learned counsels appearing on either side and perused the materials available on record.

7. Pursuant to the orders of this Hon'ble Court dated 21.03.2025 and



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17.04.2025, directing the petitioner to deposit a further sum of Rs.10,00,000/- in addition to Rs.10,00,000/- which has already been deposited in the joint name of the petitioner and his mother, the petitioner deposited the said additional amount of Rs.10,00,000/- in the joint name of himself and his mother, and filed an affidavit to that effect on 26.04.2025.

8. The relevant paragraphs of the above said affidavit is extracted below -

“(2) I respectfully submit that, in compliance with the direction of this Hon'ble Court dated 21.03.2025, an additional sum of Rs. 10,00,000/-(Rupees Ten Lakhs only) has been deposited into the joint Fixed Deposit account in the name of myself and my mother, the 5th Respondent herein, at the State Bank of India, Kattupakam Branch. I have submitted the copy of the Fixed Deposit Receipt before this Hon'ble Court on 24.04.2025.

(3)I respectfully submit that the said account is operable on an "Either or Survivor" basis. Therefore, I hereby ensure and undertake that I will not withdraw the interest accumulated on the fixed deposit from the account during the lifetime of my mother, the 5th Respondent herein. My mother, the 5th Respondent, shall have the right to withdraw only the interest accumulated on the aforesaid fixed deposit every month/quarter, which will be utilized for her expenses.



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(4)I undertake that I will neither withdraw the principal amount of the fixed deposit in the aforesaid account nor close the said joint account during the lifetime of my mother, the 5th Respondent herein. I also undertake to renew the fixed deposit in the said account periodically for as long as my mother, the 5th Respondent, is alive.”

9. A memorandum of understanding dated 07.04.2025 entered between the petitioner and his brother is also taken on record.

10. Recording the affidavit of undertaking filed by the petitioner and the memorandum of understanding entered into between the brothers, this Court directs the petitioner to take care of his mother (5th respondent) and his father namely, Gajendran, who is not party in the writ petition, till their lifetime. The impugned order passed by the second respondent dated 12.06.2024 in Moo.Mu.8548/2024/A6 is liable to be quashed and accordingly, the same is quashed.



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11.The Writ Petition is disposed of with the above direction. No costs.

Consequently, connected Miscellaneous Petition is closed.

29.04.2025

Index:yes/no

Speaking order/non speaking order

Neutral citation:yes/no

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