



WEB COPY



WA No. 3863 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-12-2025

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE SHAMIM AHMED

**WA No. 3863 of 2025
AND CMP NO. 31562 OF 2025**

Nithish Kumar Alias Ranjeet Kumar
S/o. K. Balasubramaniam alias Raju Room No. 4.
E-Line Near BMC School Cheetah Camp
VTC Mumbai

..Appellant

Vs

1. The District Collector
Kancheepuram Dist.
2. The Revenue Divisional Officer
Kancheepuram District.
3. The Deputy Superintendent of Police
Kancheepuram District
4. K.Amutha
W/o. Kanniappan No. 29, Sankaran Street,
Mamallan Nagar, Kanchipuram.

..Respondents

Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the order dated 02.08.2024 made in WP.No.11025/2024 and consequently set aside the order passed by the 2nd respondent in Na.Ka.No.6040/2023/A5, dated 18.01.2024 dated 18.01.2024.



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For Appellant :

Mr.C.Sellapandian
for Mr.R.Gokulakrishnan

For Respondents :

Mr.S.John J Rajasingh
Additional Government Pleader
for RR 1 to 3
Mr.S.Giridharan – for R4

Order

(Order of the Court was made by R.Suresh Kumar J.)

This writ appeal has been directed against the order passed by the Writ Court dated 02.08.2024 made in WP.No.11025/2024.

2. The fourth respondent was the writ petitioner. She is a senior citizen. In respect of the property ie., house property situated in Plot No.28, Sankaran Street, Maruthi Nagar, Arappanacheri Village, Kanchipuram measuring 1980 sq.ft which was purchased by the hard earned money by the fourth respondent's husband during the year 2006. Out of sheer love and affection, the property has been settled by the fourth respondent's husband on 04.09.2006 in favour of the present appellant, who is none other than the grandson of the fourth respondent /writ petitioner and her husband.

3. After some time, the fourth respondent's husband and also their son, who is none other than the father of the present appellant died. When that being the position, since the present respondent / writ petitioner being a senior citizen and a



widow, she is residing in one portion of the property, which has already been settled by her husband in favour of the present appellant, who was four years old at that point of time. However, the present appellant does not want his grandmother to stay in the small portion of the property and therefore, he has taken steps to chase her away from the property. That only triggered the writ petitioner to approach the writ Court seeking a direction to the second respondent, who is the Revenue Divisional Officer, Kancheepuram to implement the order dated 18.01.2024, whereby, already a direction had been given to retain the possession with regard to the residence till the lifetime of the writ petitioner in one portion of the house property.

4. An advocate commissioner was appointed by the learned Writ Court who has filed a report before the Writ Court, based on which it was found that there are five portions in the said house, wherein only a small portion is occupied by the writ petitioner and that position cannot be disturbed, was the order passed by the Writ Court. Thereby, a direction was given to the present appellant who stood as fourth respondent in the writ petition to permit his grandmother to reside in one portion of the property till her lifetime.

5. Aggrieved over the said direction and the order passed by the writ Court, which is impugned herein, the present appeal has been filed.



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6. We have heard the learned counsel for the appellant, the learned Additional Government Pleader for the official respondents and the learned counsel for the fourth respondent / writ petitioner.

7. It is not the case of the appellant that the property is a self acquired property by way of getting it on any consideration. It has been settled in his favour when he was only four years old by his grandfather, who is none other than the fourth respondent's husband out of sheer love and affection.

8. When that being the position, the right to live in one portion of the property till the life time of the writ petitioner cannot be denied legally and also on humanitarian grounds. This position has been clearly stated by the learned Judge through the impugned order. Since the property is having five portions, out of which only one portion is occupied by the writ petitioner / fourth respondent herein, noway the possession or ownership of the property concerned would get affected. Once the lifetime of the writ petitioner / fourth respondent is over, even that portion can be taken back by the present appellant.

9. Therefore, we do not find any plausible reason to interfere with the approach and conclusion arrived at by the learned Judge in passing the said order,



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which is impugned in the writ petition, as a result of which, the writ appeal fails and it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.K.,J.) (S.S.A.,J.)
17-12-2025

Index : Yes/No

Neutral Citation : Yes/No

KST

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