



W.P.(MD)No.8483 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD)No.8483 of 2024

and

W.M.P.(MD)Nos.7672 and 7673 of 2024

Kaliyaperumal

... Petitioner

-VS-

1.The District Collector,
Pudukkottai, Pudukkottai District.

2.The Revenue Divisional Officer-cum-The President,
Tribunal for the Maintenance and Welfare of Parents and
Senior Citizens Act, 2007, Pudukkottai,
Pudukkottai District.

3.The Thasildar,
Gantharvakottai Taluk,
Pudukkottai District.

4.The Inspector of Police,
Gantharvakottai Police Station,
Pudukkottai District.

5.Banumathi

... Respondents



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Prayer:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the first respondent in Na.Ka.C6/E-609844/2023 dated 18.12.2023 and quash the same and consequently, direct the respondents 1 to 4 to ensure re-possession of the petitioner in his house at Door No.160, Yathavar Street, Kantharva Kottai, Pudukkottai District.

For Petitioner	:	Mr.R.Jegadeeswaran
For R1 to R3	:	Mr.D.Ghandiraj Special Government Pleader
For R4	:	Mr.M.Vaikam Karunanithi Government Advocate (Criminal side)
For R5	:	No Appearance

ORDER

Heard the learned counsel for the petitioner; the learned Special Government Pleader for the respondents 1 to 3; and the learned Government Advocate (Criminal side) for the fourth respondent.

2. Despite service of notice on the fifth respondent and the counsel entering appearance, there is no representation on behalf of the fifth respondent.



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3. In this writ petition, the petitioner is aggrieved by the impugned order dated 18.12.2023, bearing reference Na.Ka.C6/E-609844/2023 of the first respondent, whereby the petitioner's appeal against the order dated 29.05.2022 of the second respondent has been dismissed.

4. The petitioner had earlier approached the second respondent under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 [hereinafter referred to as "the Act"]. In the proceedings before the second respondent, the petitioner sought the removal of the fifth respondent from the property standing in his name in the revenue records (patta).

5. The fifth respondent is stated to be the estranged daughter-in-law of the petitioner, who is married to the petitioner's son, Ramesh. It appears that the said Ramesh has obtained an *ex parte* decree of divorce in H.M.O.P.No.36 of 2018 before the Principal Sub Court, Pudukottai. Although a copy of the judgment and decree has not been produced, it is asserted by the learned counsel for the petitioner that the decree remains unchallenged and has not been reversed till date.



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6. It is further submitted that the property presently in occupation by the fifth respondent belongs to the petitioner. The second respondent, however, had concluded that the fifth respondent is entitled to remain in the property as long as she is not being maintained by her husband, Ramesh.

7. The learned counsel for the petitioner contends that the conclusion arrived at by the first respondent that the property stands in the name of the petitioner's son, is factually incorrect. *Prima facie*, the conclusion in the impugned order dated 18.12.2023 appears to be based on an erroneous appreciation of facts. Unless the patta has been formally transferred in favour of the petitioner's son, it cannot be presumed that he is the owner of the land.

8. This issue requires detailed reconsideration. Therefore, I am inclined to set aside the impugned orders of the first and second respondents and remit the matter back to the second respondent for fresh adjudication, specifically, on the question of ownership and the status of the patta as of today.



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9. Pending such re-determination, the second respondent shall ensure that the petitioner and his wife, both senior citizens, are permitted to reside in the subject property.

10. Accordingly, the impugned orders are set aside and the matter is remitted back to the second respondent for fresh consideration in accordance with law.

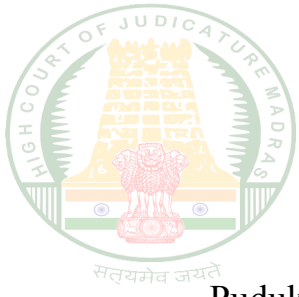
11. The Writ Petition stands disposed of with the above observations. No costs. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes / No
Index : Yes / No
smn2

25.08.2025

To:-

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Pudukkottai District.

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C.SARAVANAN, J.

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