



W.P(MD)No.24164 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.24164 of 2025

Ponnambalam

..Petitioner

Vs

- 1.The District Collector,
Collectorate, Trichy.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Musiri.
- 3.The Tashildar,
Thottiyam Taluk,
Taluk Office,
Thottiyam,
Trichy District.
- 4.The Inspector of Police,
Thottiyam Police Station,
Thottiyam, Trichy District.
- 5.Kasinathan
- 6.Murali Sankar

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the third respondent to comply with the order dated 16th June 2023 in Naa.Kaa.Gee.No.1/831218/2023 of the first respondent within a time frame fixed by this court.



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For Petitioner : Mr.R.M.Sivakumar

For Respondents : Mr.T.Amjadkhan
Addl. Govt. Pleader (for R1 to R3)

Mr.S.Prakash
Govt. Advocate (Crl. Side) (for R4)

Mr.G.Sridharan (for R5)

R6 – Refused.

ORDER

This writ petition has been filed seeking issuance of a Writ of Mandamus directing the third respondent to comply with the order dated 16.06.2023 passed by the first respondent in Naa.Kaa.Gee.No. 1/831218/2023, within a time frame to be fixed by this Court.

2. The petitioner claims to be the absolute owner of 1.35 acres in S.F. No.107/2B, Alagarai Village, Thottiyam Taluk, Trichy District, purchased under a registered sale deed dated 20.05.1997, with patta and other revenue records standing in his name. According to the petitioner, his elder son (fifth respondent) and daughter-in-law trespassed into the property, forcibly dispossessed him, removed his household articles, and drove him out of his residence. Despite lodging a police complaint, no effective action was taken. The petitioner thereafter filed an application under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 before the second



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respondent. Though the application was dismissed, the appeal preferred by the petitioner was allowed by the first respondent on 16.06.2023, directing eviction of respondents 5 and 6 and restoration of possession to the petitioner. Alleging non-compliance with the said order, the present writ petition has been filed.

3. The fifth respondent has filed a counter affidavit, wherein the respondents 5 and 6, who are the sons of the petitioner through his first wife, denied the allegations of trespass and forcible dispossession. They contended that they and their mother were cultivating the land even prior to the petitioner's purchase in 1997 and continued cultivation thereafter. It is their case that the land was leased to them by the petitioner and that they have been paying kist and availing agricultural loans. It is further contended that the petitioner is a retired Head Constable drawing pension, living with his second wife, and is not in a condition of neglect or destitution. It was also submitted that a civil suit in O.S. No.48 of 2025 is pending before the Sub Court, Musiri, seeking a declaration that the order dated 16.06.2023 is null and void and for an injunction restraining eviction except by due process of law. The pendency of the said suit was allegedly suppressed by the petitioner.

4. Heard both sides and perused the records.



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5. The provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 contemplate grant of maintenance to the parents and senior citizens under Section 4 of the Act. The Act also provides for cancellation of a transfer where such transfer is made subject to the condition that the transferee shall maintain the parent or senior citizen. However, the Act does not confer jurisdiction on the authorities to order recovery of possession of immovable property.

6. In the present case, the respondents 5 and 6 have categorically stated in their counter affidavit that even prior to the purchase of the property by the petitioner, they had been cultivating the land since the year 1994, and that they continued such cultivation even after the petitioner purchased the property.

7. The petitioner's claim for maintenance was rejected on the ground that he is a pensioner, has his own residence, and is not in a state of penury or suffering from ill health requiring care or maintenance. Though the appeal was allowed by the first respondent and directions were issued to evict the respondents 5 and 6 and hand over possession to the petitioner, the private respondents have instituted a civil suit seeking injunction against eviction except by due process of law, which is pending in O.S.No.48 of 2025 on the file of the Sub Court, Musiri. Further, the Act contemplates



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enforcement of an order of maintenance alone (Section 11) and to declare a transfer of property to be void as per Section 23 of the Act.

8. Considering the fact that the Senior Citizens Act does not contemplate recovery of possession, and a civil suit on the same issue is pending, this Court is of the view that the petitioner's relief to enforce the order for recovery of possession cannot be granted. Accordingly, the writ petition stands dismissed. No costs.

29.10.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
skn

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