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W.P. No.3831/2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	Pronounced on
12.06.2026	17.06.2026

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO.3831 OF 2024

AND

W.M.P. NO. 4141 OF 2024

Kishore Kumar

..Petitioner

- Vs -

1. The District Collector
4th Floor, M.SingaravelarMaaligai
62, Rajaji Salai, Chennai Collectorate
Chennai 600 001.
2. Revenue Divisional Officer
Chennai Central Division
Anna Nagar (W) Extn.
Chennai 600 101.
3. The Tahsildar
Egmore Taluk
Spurtank Road, Egmore
Chennai 600 008.
4. S.Giriraj
5. Kiran Kumar
6. Mrs.Neelavathy

.. Respondents



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Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorari calling for the records of the 2nd respondent in Na.Ka. No.A4/4245/2023 dated 16.11.2023 and quash the same.

For Petitioner : Mr. N.L.Rajah, SC, for
M/s. K.R.Arun

For Respondents : Mr. M.Sivavarathanan, Counsel
for Govt. of TN for RR-1 to 3
Mr.Praveen Alexander for
RR-4 & 5
No Appearance for R-6

ORDER

The direction of the 2nd respondent to provide space in the residential premises of the petitioner to a senior citizen, who claims to be the foster-father/step-father is put in issue before this Court through the present writ petition.

2. The brief facts necessary for the disposal of the writ petition are as under:-

The petitioner avers that his mother, Late Shanthi was born to Arunachalam and Neelavathy, who is the 6th respondent herein and that she married one Babu in the year 1976 and out of the said wedlock, the petitioner was born and his parents migrated to Chennai. However, due to some



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misunderstanding his parents separated and the custody of the petitioner was retained by the petitioner's mother, who initially worked as warden in a hostel and, thereafter, she started a hostel and later established number of branches of the said hostel. It is further averred that his mother had purchased number of properties in Chennai out of income from the said business.

3. It is the further averment of the petitioner that his mother was living together with one Giriraj, the 4th respondent herein and out of the said relationship, the 5th respondent was born on 4.9.1982. It is further averred that prior to his mother's demise, her relationship with the 4th respondent got strained due to misuse of her properties and they were living separately with his mother living with the petitioner and the said 4th respondent living with the 5th respondent. Further, both the petitioner and the 5th respondent had got married and were blessed with children.

4. It is the further averment of the petitioner that his mother passed away on 11.5.2021 due to COVID-19 and after her demise, the 4th respondent had applied for legal heir certificate of the petitioner's mother, Late Shanthi to the Tahsildar, Egmore, which was initially rejected for lack of supporting documents,



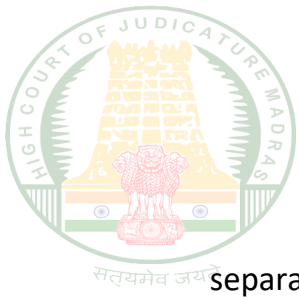
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but on reapplication with a self-declaratory sworn affidavit to the effect that he is the husband of Late Shanti and that the 4th respondent is the husband and the 5th respondent and the petitioner are her sons and that her parents have pre-deceased her and that their marriage was the first marriage. Upon such affidavit and after conduct of enquiry, legal heir certificate came to be issued on 24.11.2021, showing the petitioner, the 4th and 5th respondents as the legal heirs of Late Shanthi.

5. It is further averred that pursuant to the said legal heir certificate, the 4th and 5th respondents had mutated the revenue records in respect of the properties belonging to Late Shanthi and have encumbered the properties and initiated multi-legal proceedings against the petitioner, including a criminal case and there were many contradictory statements relating to the relationship of the 4th respondent with his mother, including the fact that the 6th respondent, viz., the mother of Late Shanthi is shown to have pre-deceased her daughter, Shanthi.

6. It is the further averment of the petitioner that the criminal proceedings initiated by the 4th respondent by lodging a complaint before the Kodambakkam police in which the 4th respondent has stated that he married his mother, who



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separated from her husband with a four year old child, viz., the petitioner, whereas in the civil proceedings initiated by the 4th respondent, the 4th respondent has claimed that he married Shanthi, who was a widow.

7. It is the further case of the petitioner that the criminal case in C.C. N.804/2022 alleging that the 4th respondent was illegally thrown out of the house by the petitioner and his relatives was dismissed as not proved and the petitioner and others, who were implicated were acquitted after full-fledged trial on 14.08.2023 and that the property involved in the criminal case, which ended in acquittal is the same and that the 4th respondent had approached the Revenue Divisional Officer under the guise of seeking remedy under the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short 'the Act').

8. It is the further averment of the petitioner that suits in O.S. No.4676/2021 and O.S. No.2211/2022 relating to the present property, which stands in the name of the petitioner's have been filed by the 4th and 5th respondent and the said property is in possession of the petitioner along with his mother even during the time when the petitioner's mother was alive.



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9. It is the further averment of the petitioner that based on the legal heir certificate, the 4th respondent has transferred 1/3rd share in the property in favour of the 5th respondent. An appeal against the issuance of legal heir by the 3rd respondent has been preferred before the 2nd respondent by the petitioner, but the 2nd respondent has not conducted any enquiry, which has prejudiced the petitioner as the 4th and 5th respondents have indulged in acts detrimental to the interest of the petitioner. In the absence of any alternative remedy, the petitioner filed a writ petition and this Court by order dated 19.07.2023 directed the Revenue Divisional Officer to dispose of the appeal within eight weeks, which has not been complied with by the 2nd respondent.

10. It is the further averment of the petitioner that in this scenario, utilizing the non-complying act of the 2nd respondent, the 4th respondent has invoked the provisions of the Act and has approached the 2nd respondent and the 2nd respondent, after issuing summon, without properly hearing the petitioner has passed the order directing the petitioner to provide shelter to the 4th respondent. It is the further averment of the petitioner that the 2nd respondent without providing copy of the complaint given by the 4th respondent and also



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without following the due process of law, only to aid the 4th and 5th respondents has passed the order, inspite of the fact that multiple civil proceedings are pending between the parties and without looking into the same, the 2nd respondent has passed the order, which is erroneous.

11. It is the further averment of the petitioner that the 4th respondent has no right to invoke the provisions of the Act as he had abandoned the petitioner and further the 4th respondent, while claimed that the petitioner had abandoned the 4th respondent and had not taken care of him, however, the 4th respondent has not disclosed the fact that he had settled one of his property in favour of the 5th respondent and had further transferred one-third share in the disputed property to the 5th respondent without having any legal right over the said property.

12. It is the further averment of the petitioner that inspite of the fact that the 5th respondent is the biological son of the 4th respondent on whom the 4th respondent had chosen to settle two properties in his favour, however, the 5th respondent had neglected to maintain the 4th respondent against whom the 4th respondent ought to have invoked the provisions under the Act and the



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4th respondent cannot claim for any maintenance against the petitioner, as the petitioner is not his biological son. It is the further averment of the petitioner that the 4th respondent is a pensioner and is getting around Rs.14,000/- per month as pension and also has his biological son, the 5th respondent, who can take care of the 4th respondent, but only to usurp the property of the petitioner, the 4th and 5th respondents are acting collusively by using the provisions of the Act. However, without considering all the aforesaid factors, the present order has been passed, which has led to the filing of the present petition.

13. Learned senior counsel appearing for the petitioner submits that the order passed by the 2nd respondent is without due advertence to the relevant provisions of the Act. Specifically, learned senior counsel drew the attention of this Court to Section 4 of the Act, which relates to maintenance of parents and senior citizens and submitted that any person, being a relative of a senior citizen and having sufficient means shall maintain such senior citizen, provided he is in possession of the property of such senior citizen or he would inherit the property of such senior citizen.



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14. Highlighting the aforesaid provision, learned senior counsel submitted that the alleged share of the 4th respondent in the present disputed property has been settled in favour of the 5th respondent, who is the biological son of the 4th respondent, yet the 4th respondent wants the petitioner to take care of him, notwithstanding the fact that the property has been settled in favour of the 5th respondent by the 4th respondent which attracts Section 4 of the Act.

15. It is the further submission of the learned senior counsel that the title to the property and right over the same to the alleged legal heirs has been decided by the 2nd respondent, who has no such authority to decide the title, which is the subject matter of the partition suit, moreso, when the said property is not in the name of the 4th respondent. It is the further submission of the learned senior counsel that even otherwise, post the death of the petitioner's mother, her mother, viz., the 6th respondent herein, who is well and alive, would be entitled to a share in the said property. However, the 2nd respondent had acted upon the forged legal heir certificate and had decided on the right and title to the property, which cannot be done by a quasi-judicial authority, but only by the civil court.



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16. It is the further submission of the learned senior counsel that the 2nd respondent has acted on the wrong assumption that the 4th respondent has been dispossessed from the property while the fact remains that the property in which the 4th respondent wants to reside does not belong to him, but rather it belongs to Late Shanthi, the mother of the petitioner, who had severed had relationship with the 4th respondent.

17. It is the further submission of the learned senior counsel that the alleged dispossession of the 4th respondent had already been established to be false by the criminal court and there is no material to presume the same by the 2nd respondent. Further, the title to the property is pending adjudication by the competent civil courts in the suits initiated by the 4th and 5th respondents and, therefore, the order of the 2nd respondent invoking the provisions of the Act to grant relief to the 4th respondent is wholly arbitrary and erroneous.

18. It is the further submission of the learned senior counsel that the 2nd respondent failed to consider the various pending litigation between the parties, more particularly the civil suit in which no injunction has been granted and that the 2nd respondent ought to have refrained himself from determining the title, as



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the revenue authorities are not competent to adjudicate the same, which could be done only by the civil court.

19. It is the further submission of the learned senior counsel that in view of the order passed by the 2nd respondent, the 4th respondent had trespassed into the house and with the help of rowdy elements is causing nuisance everyday to the petitioner and is attempting to dispossess the petitioner from the house by breaking open the doors and locks and the act of the 4th respondent to seek protection under the Senior Citizens Act is only to usurp the property by circumventing the jurisdiction of the civil court in deciding the title dispute and also the share over the property. The order passed by the 2nd respondent is without jurisdiction and against the provisions of the Act and, therefore, it is prayed that the same deserves to be set aside.

20. Per contra, learned counsel appearing for the 4th respondent submitted that the 2nd respondent, after perusing all the records, which establish the marital relationship of the 4th respondent with Late Shanthi, viz., the mother of the petitioner, has passed the impugned order considering the fact that the property belonged to Late Shanthi.



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21. It is the further submission of the learned counsel that the 4th respondent retired as Supervisor from Transport Department and receiving pension. He had married the petitioner's mother, who was a widow on 10.9.1981 and one child, viz., the 5th respondent was begotten in addition to the petitioner, who is the child of the said Shanthi through her former husband. It is the further submission of the learned counsel that the 4th respondent's wife, Shanthi passed away due to COVID-19 and after her demise, the petitioner, who is his foster son, had driven the 4th respondent out of the house.

22. It is the further submission of the learned counsel that though criminal complaint was lodged against the petitioner for the said acts resulting in the filing of the charge sheet in C.C. No.804/2022, however, the petitioner was acquitted in the criminal case. It is the further submission of the learned counsel that all the earnings of the 4th respondent was invested in the purchase of the property by his wife, Shanthi and that the 4th respondent had signed as witness to the sale deed, which would evidence the relationship of the 4th respondent with Shanthi.



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23. It is the further submission of the learned counsel that the petition before the 2nd respondent had cropped up on account of the fact that the 4th respondent was driven out of the house by the petitioner with a view to usurp the property and, therefore, left with no alternative as the 4th respondent has no place to stay, the petition was filed before the 2nd respondent.

24. It is the further submission of the learned counsel that even after the orders of the 2nd respondent, there were threatening from the petitioner leading to the registration of FIRs against the petitioner in which the petitioner had moved this Court for anticipatory bail. In one of the complaint registered by the 4th respondent, this Court in Crl. O.P. No.28848/2023, vide its order dated 29.01.2024 had directed the petitioner to comply with the order passed by the 2nd respondent and the 4th respondent had been permitted to reside in the property. Therefore, the order passed by the 2nd respondent does not suffer the vice of any arbitrariness, illegality or irregularity and, therefore, no interference is warranted with the same.

25. Learned Government counsel appearing for respondents 1 to 3 submitted that as per the objects and reasons of the Act, it is the duty of the



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authority to see to it that the provisions of the Act are duly complied with and that neither the children or any of the relatives of the senior citizen cause any hindrance to the peaceful living and also to see that the senior citizens are taken care of by their children and relatives, as provided under the Act and only to that end, the 2nd respondent, after perusing all the records, which unequivocally establish that the 4th respondent is the husband of Shanthi, viz., the mother of the petitioner, has passed the order, which is legally sustainable.

26. This Court gave its careful consideration to the submissions advanced by the learned counsel appearing on either side and perused the materials available on record as also the relevant provisions of law to which this Court's attention was drawn.

27. It is settled ratio that civil disputes cannot be adjudicated by the Court under its extraordinary jurisdiction, moreso, when disputed questions of fact are involved. In the present case, the title to the property is the main issue, which falls for consideration, which is sought to be agitated by the parties before the civil court. It is settled position of law that it is only the civil court, which has jurisdiction to decide the issue relating to title to the property. Therefore, by no

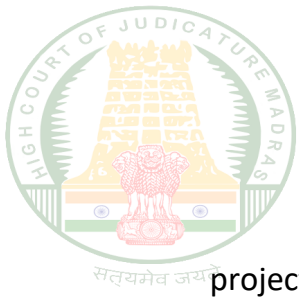


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stretch, any observations made by the 2nd respondent or any directions given by the 2nd respondent while invoking his power under the Act could be construed to be directions which are in the nature of deciding the title to the properties. The scope of the Act is only to the extent of maintaining the senior citizens by the children and relatives of the said senior citizens and the right over the property cannot be decided by the authority exercising authority under the Act.

28. In the present case, the right of the 4th respondent to any share in the property, as also the shares of the petitioner, the 5th and 6th respondent could be decided only by the civil court in the pending suits and any observation or directions with regard to the title, if any, made by the 2nd respondent, would not give any right to the parties to claim title over the said property. Equally, this Court could also only test the correctness of the order passed by the 2nd respondent within the confines of the Act and it cannot traverse beyond the Act to render any finding or approve any finding that would not fall within the boundaries of law governing the extraordinary jurisdiction of this Court. Therefore, this Court would only dwell into the matter to the extent that is required to find out whether the direction given by the 2nd respondent to permit the 4th respondent to stay in the property could be sustained in the facts



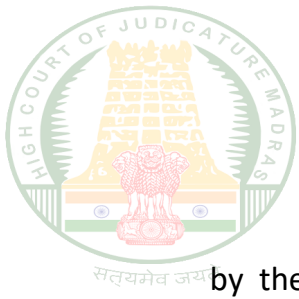
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projected in the present case. Therefore, the necessary test is only to test the order of the 2nd respondent on the materials, which have been taken note of, which are documents issued by statutory authorities, which are not the subject matter of challenge, barring the legal heir certificate, which according to the petitioner has been appealed against and which appeal is pending.

29. Before embarking upon finding out the correctness of the impugned order, it is necessary to find out whether the petitioner is shackled by the provisions of the Act to take care of the 4th respondent, who claims to be the foster-father/step-father of the petitioner.

30. It is the case of the petitioner that his mother Shanthi had married in the year 1977 to one Babu and due to certain sour relationship, both got separated and that from September, 1981, the said Shanthi and the 4th respondent have been under co-habitation. Though it is claimed by the petitioner that it is only co-habitation and that his mother has not married, however, the same is disputed by the 4th respondent. This Court is not giving any definitive finding on the relationship between the 4th respondent and the said Shanthi, as the documents filed by the 4th respondent, which have been relied on

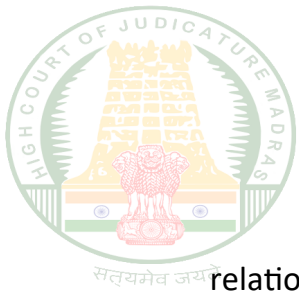


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by the 2nd respondent have formed the basis of the order even though it is alleged by the petitioner that the said records are fabricated, which cannot be decided by this Court and it has to be adjudicated only before the appropriate forum.

31. The 4th respondent claims that he has married the said Shanthi and to evidence the same, the alleged marriage registration certificate has been placed before the 2nd respondent. Further, the photographs showing the said Shanthi and the 4th respondent together had also been filed. In the death certificate of the said Shanthi, the name of the husband of the deceased has been shown as Giriraj, viz., the 4th respondent herein. The aadhar card of the 4th respondent reveals the place of residence as that of the premises under dispute and that in the aadhar card of Shanthi, the name of the 4th respondent is shown as the husband of the said Shanthi. Further, in the discharge summary issued in respect of Shanthi, the name of the 4th respondent is shown as her husband. In spite of the said records it is the case of the petitioner that the relationship between his mother Shanthi and the 4th respondent is only co-habitation. However, this Court is not inclined to enter into the same nor is deciding the same, but for finding that the said records, on the face of it, would go to show that there existed a



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relationship between the mother of the petitioner and the 4th respondent, which is beyond mere co-habitation.

32. It is to be pointed out that though legal heir certificate has been filed before the 2nd respondent, alleged to have been issued by the Tahsildar, Egmore, it is the specific case of the petitioner that an appeal has been filed against the issuance of the said legal heir certificate, as it is claimed that the said certificate has been obtained by fraudulent means, through fabricated documents and also suppressing the fact that the marriage between the said Shanthi and the 4th respondent is the first marriage and that the same has been given upon the sworn declaration of the 4th respondent. Further, the mother of the said Shanthi, has been shown as deceased, though she is very much alive and would be entitled to a share in the estate of Shanthi. As the said legal heir certificate is attacked by the petitioner on the aforesaid grounds, this Court is not considering the said document for the purpose of arriving at the decision in this case.

33. On the basis of the alleged documents, which were placed before the 2nd respondent, it cannot be said that the hands of the 2nd respondent are tied from enforcing the provisions of the Act to give relief to the 4th respondent. The



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alleged documents *prima facie* show that there existed a marital relationship, though disputed by the petitioner, between the 4th respondent and the said Shanthi and, therefore, the rigors of the Act would come into play irrespective of the fact that there are contradicting averments in the petition before the authority as also in the suit, which are matters to be raised at the time of trial and not in a summary proceeding before the 2nd respondent and also not before this Court in the present petition.

34. Further, it cannot also be lost sight of that the 4th respondent, a septuagenarian is seeking maintenance in the form of shelter in the premises under the occupation of the petitioner, who, it is claimed is his foster-son, however, curiously, the 5th respondent is the biological son of the 4th respondent, but no relief or any maintenance, inclusive of shelter has been sought for from the 5th respondent. This Court is at a loss to understand as to why the 4th respondent has not sought for any such relief from the 5th respondent in spite of the fact that the 5th respondent is also a resident of Chennai. Further, it is even the claim of the 4th respondent that he was residing in the petition premises and when he went to live with his son, viz., the 5th respondent, the petitioner had allegedly occupied the premises by force. Why the 4th respondent was not living



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with his son, viz., the 5th respondent after the death of his wife Shanthi, but living alone, is beyond the comprehension of this Court considering the fact that the 4th respondent is aged more than 73 years.

35. It is the claim of the petitioner that the documents, which have been presented by the 4th respondent to seek for the relief of maintenance before the 2nd respondent are fabricated documents, but it is to be pointed out that such a stand cannot be adjudicated by this Court under the writ jurisdiction and the course open to the petitioner would be to institute appropriate suit to seek necessary relief, including the relief of eviction, if the petitioner is able to disprove the marriage between the 4th respondent and Shanthi, moreso, by establishing the continuance of the earlier marriage of his mother with his father Babu.

36. Be that as it may. When the petition was taken up by my predecessor, finding the precarious position of the 4th respondent and also considering the fact that the 4th respondent is a septuagenarian and that he claims that the petitioner is not providing him space in the residential accommodation where he was when his wife, viz., Shanthi passed away, this Court, vide order dated 9.12.2025, as an



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interim measure, had, after due verification through an advocate commissioner, passed the following order :-

"The petitioner and the 4th respondent / senior citizen are present before this Court. Mr.V.Balakannan, Special Sub Inspector of Police, R-2 Kodupakkam Police Station, Chennai, is also present before this Court.

2. In compliance of the order dated 08.12.2025, the learned Advocate Commissioner has visited the property and has filed a detailed report, wherein, it is seen that the ingress and egress to first floor is only through ground floor, which is in possession of the petitioner.

3. It also appears that the first floor has been handed over to the 4th respondent / senior citizen on 14.02.2024, pursuant to the order of the RDO, with assistance of the police. However, the 4th respondent / senior citizen is unable to access the first floor, as there is no direct access to the first floor. However, he is willing to put up staircase through car parking.

4. The petitioner shall not in any way obstruct construction of the staircase or the enjoyment of the first floor by the 4th respondent. The jurisdictional police shall give the 4th respondent adequate protection for putting up the staircase.

5. It is further made clear that first floor shall not be leased out, sold or otherwise encumbered by the senior citizen till the disposal of the partition suit. Further, it is only the 4th respondent who shall reside in first floor along with his care taker or other assistants that he requires and the petitioner



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shall not in any way interfere with such possession and enjoyment of first floor by the 4th respondent or when friends and relatives visit the 4th respondent. The 4th respondent shall ensure that such family and friends shall not cause any disturbance to the petitioner's enjoyment of the property.

6. It is also made clear that the 4th respondent shall not cause any obstruction or hindrance to the ground floor, which is to be used by the petitioner."

37. Pursuant to the said order, the 4th respondent has occupied the portion, which has been reported before this Court and is in continuous occupation. However, the legality of the said occupation, which is on the basis of the impugned order, is questioned in the present writ petition.

38. The only issue which is to be determined by this Court is –

"Whether under the provisions of the Act, the petitioner is bound to maintain and take care of the 4th respondent, who is claimed to be the foster-father/step father of the petitioner".

39. The case of the petitioner is premised on the notion that Section 4 relates to Maintenance of parents and senior citizens, which provides as under :-



“4. Maintenance of Parents and Senior Citizens :-

(1) A senior citizen including parent who is unable to maintain himself from his own earning or property owned by him, shall be entitled to make an application under section 5 in case of –

- i. parent or grand-parent, against one or more of his children not being a minor;*
- ii. a childless senior citizen, against such of his relative referred to in clause (g) of section 2.*

2. The obligation of the children or relative, as the case may be, to maintain a senior citizen extends to the needs of such citizen so that senior citizen may lead a normal life.

3. The obligation of the children to maintain his or her parent extends to the needs of such parent either father or mother or both, as the case may be, so that such parent may lead a normal life.

4. Any person being a relative of a senior citizen and having sufficient means shall maintain such senior citizen provided he is in possession of the property of such senior citizen or he would inherit the property of such senior citizen:

Provided that where more than one relatives are entitled to inherit the property of a senior citizen, the maintenance shall be payable by such relative in the proportion in which they would inherit his property.

40. Pointing out this provision of law, it is contended on behalf of the petitioner that the 5th respondent is the biological son of the 4th respondent and



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that the alleged share of the 4th respondent in the disputed property has been settled in favour of the 5th respondent and if at all the 4th respondent is to be maintained, as per the provisions of the Act, it should be only by the 5th respondent to whom the settlement is made and not by the petitioner, as the 4th respondent is alleged to be the foster-father/step father of the petitioner.

41. There could be no quarrel with the fact that it is the duty of the children to maintain their parents and grandparents and that such a claim could be made against one or more children, who is not a minor. Even in respect of a childless citizen, it could be claimed against the relative referred to in clause (g) of Section 2. There is no quarrel with the said provision of law, as the need for enacting such a law is clearly enumerated in the objects and reasons, which prompted the enactment of the Act, which for better understanding is quoted hereunder :-

“Statement of Objects and Reasons.

Traditional norms and values of the Indian society their family. Consequently, laid stress on providing care for the elderly. However, due to withering of the joint family system, a large number of elderly are not being looked after by their famil of physical and financial many older persons, particularly widowed women are now forced to spend their twilight years all alone and are exposed to emotional neglect and to lack of



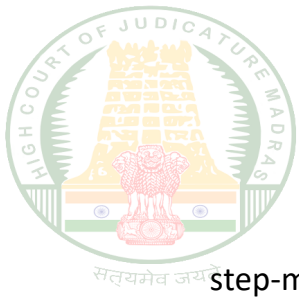
support. This clearly reveals that ageing has become a major social challenge and there is a need to give more attention to the care and protection for the older persons. Though the parents can claim maintenance under the Code of Criminal Procedure, 1973, the procedure is both time-consuming as well as expensive. Hence, there is a need to have simple, inexpensive and speedy provisions to claim maintenance for parents.”

42. From the above, it is implicitly clear that the dwindling traditional norms and values of the Indian society in providing care to the elderly has resulted in steps having been taken by the law makers by enacting the Act which safeguards the interests of the elderly. All types of maintenance, be it physical, financial medical, food, clothing and residence, which are necessary in the aged life of the senior citizen/parent is sought to be provided through the said Act. While parent is to be maintained, the word ‘parent’ has been defined under sub-section (d) of Section 2 of the Act, which is as under :-

“(d) “parent” means father or mother whether biological, adoptive or step father or step mother, as the case may be, whether or not the father or the mother is a senior citizen.”

43. The definition of “parent” u/s 2 (b) is an exhaustive definition, which takes within its fold father, mother whether biological or adoptive, step-father,

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step-mother and also includes the father and mother, who are not senior citizens. Therefore, not only biological parents are to be taken care of by the children, but even adoptive parents, step-father and step-mother are to be taken care of as they would also fall within the ambit of parents.

44. In the present case, it is the specific case of the 4th respondent that he has married the mother of the petitioner, viz., Shanthi, who is since deceased and, therefore, he would fall within the ambit of parent, being the step-father of the petitioner. Though it is contended on behalf of the petitioner that the 4th respondent is not his step-father as no marriage had been undergone between the said Shanthi and the 4th respondent, however, the alleged documents, which have been placed before the 2nd respondent which have been noticed by this Court above, reveal the 4th respondent to be the step-father of the petitioner, though not agreed for by the petitioner, and irrespective of such a stand, without any proof thereof being placed by the petitioner, the 4th respondent will fall within the ambit of “parent” as defined u/s 2 (d) of the Act to claim the benefit of maintenance under the Act.

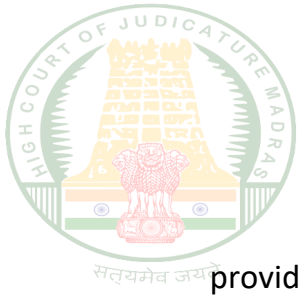


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45. Though it is the contention of the petitioner that the 4th respondent has a biological son, viz., the 5th respondent to whom settlement of the share of the 4th respondent is made and he is bound to take care of the 4th respondent, which aspect has also crossed the mind of this Court, for which no worthwhile reason has been submitted on behalf of the 4th respondent. However, it is to be noted that u/s 4, the parent or grand-parent could claim maintenance by making an application u/s 5 against one or more children. But what is intriguing here is the fact that though the 5th respondent is the biological son of the 4th respondent and that the 4th respondent was allegedly living with the 5th respondent at the time when the petitioner is alleged to have forcibly occupied the premises, yet the 4th respondent has not sought for any shelter or maintenance from the 5th respondent, who would be the natural recourse for any father, but curiously, the claim for shelter is made at the premises under the occupation of the petitioner, that too for the 4th respondent to live separately in spite of the 5th respondent being there to take care of his father.

46. However, In the present case, the claim is made by the 4th respondent not against the petitioner or the 5th respondent, who are the foster-son and biological son of the 4th respondent, but claim is made to the limited extent of

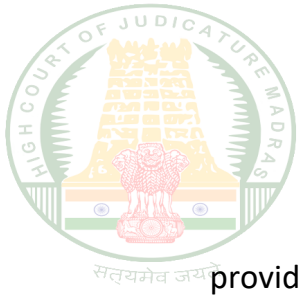


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providing space for his shelter in the premises/property which stands in the name of the wife of the 4th respondent, which is claimed to be under the occupation of the petitioner inspite of the fact that the 4th respondent's biological son is also residing within Chennai. As per the alleged records, the 4th respondent is shown as the husband of the deceased Shanthi, who is the mother of the petitioner and his residence, as per the document, viz., aadhar card, shows the property in which the petitioner currently resides as his residence. Such being the case, applying the provisions of Section 4, rightly the 4th respondent has filed the application for maintenance u/s 5 and the petitioner is bound to provide shelter to the 4th respondent for his peaceful living, as it is only the petitioner, who is in possession of the premises in which the 4th respondent was residing when his wife Shanthi breathed her last, till the petitioner is able to establish the relationship of the 4th respondent with Shanthi as otherwise. Rightly appreciating the said materials, the 2nd respondent had directed that shelter be provided in the premises presently under the occupation of the petitioner, which order cannot be found fault with.

47. Further, when the matter was taken up for hearing, considering all the aforesaid aspects, as this Court *prima facie* felt that the septuagenarian should be



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provided with shelter, direction, which has been extracted above, was issued and pursuant to the said direction the 4th respondent is in occupation of the said portion, which was directed to be provided to the 4th respondent and further directions were also given so that the 4th respondent as also the petitioner live in the said premises/property peacefully and without any skirmishes until a decision is taken by the civil court in the suits that have been filed or to be filed by the 4th and 5th respondents.

48. Further, not all is over there. There are so many unanswered questions in the present case other than shelter, such as why no relief is sought against the 5th respondent and also certain other issues which this Court does not want to detail. However, such queries require to be answered and established before the Civil Court in the partition suit, which this Court is informed as filed by the 4th and 5th respondents were dismissed for default and petitions have been filed for restoration.

49. In such a scenario and considering the circumstances as noted above, the present writ petition stands dismissed by directing the continuance of the order passed by this Court dated 9.12.2025. Further, it is made clear that the



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petitioner and the 4th respondent shall strictly abide by the directions issued in para-5 and 6 of the order dated 9.12.2025 and the further course of action would be subject to the result of the suit instituted by the 4th and 5th respondents, which is pending before the civil court. Further, in view of the discrepancies and contentions pointed out above, liberty is granted to the petitioner to seek appropriate legal recourse, including seeking the relief of eviction of the 4th respondent from the petition premises in accordance with law by establishing his case on the basis of the plea canvassed before this Court. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

17.06.2026

Index : Yes / No

GLN



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To

1. The District Collector
4th Floor, M.Singaravelar Maaligai
62, Rajaji Salai, Chennai Collectorate
Chennai 600 001.
2. Revenue Divisional Officer
Chennai Central Division
Anna Nagar (W) Extn.
Chennai 600 101.
3. The Tahsildar
Egmore Taluk
Spurtank Road, Egmore
Chennai 600 008.



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M.DHANDAPANI, J.

GLN

**PRE-DELIVERY ORDER IN
W.P. NO.3831 OF 2024**

**Pronounced on
17.06.2026**