



WEB COPY



W.P. No.17510 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.06.2026

CORAM:

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P. No.17510 of 2026
and
W.M.P. No.18796 of 2026

Bhuvaneshwari

..Petitioner(s)

Vs

1. The Revenue Divisional Officer
The Officer under the Maintenance and Welfare
of
Parents and Senior Citizens Act, 2007
Coimbatore South, Coimbatore District.
2. Mrs. Gnanasoundari
3. Mrs. Paraveena

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorari to call for records pertaining to the order dated 13.03.2026, vide proceedings in Pa.Mu.No.7790/2025/A1 passed by the 1st respondent and quash the same as it is against the principles of natural justice and beyond the power conferred on them.

For Petitioner : Mr.K. Vasanthanayagan
For Respondents : Mr.P. Siddarth
Government Counsel for R1



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ORDER

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This writ petition has been filed challenging the impugned order dated 13.03.2026 passed by the 1st respondent under Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

2. The case of the petitioner is that the property measuring an extent of 4.75 cents in survey Nos.391 & 392 Part, situated at Sooriya Nagar, Kamachipuram, Ondipudur, Coimbatore was originally purchased by her father out of his own earnings in the name of the petitioner's mother, who is the 2nd respondent. Subsequently, in the year 2015, the 2nd respondent executed a Settlement Deed in favour of the petitioner's father to enable him to raise a bank loan and construct a residential house. According to the petitioner, the family has been in possession and enjoyment of the property ever since.

3. It is further stated that after the demise of the petitioner's father, disputes arose between the family members regarding their respective rights over the properties. The 2nd respondent is alleged to have denied to allot share in the properties to the petitioner and also instituted O.S.No.1424 of 2023 before the learned IV Sub Judge, Coimbatore and the said suit is pending.

4. It is the grievance of the petitioner that during the pendency of the aforesaid civil proceedings, the 2nd respondent invoked the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and



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approached the 1st respondent seeking cancellation of the Settlement Deed.

Pursuant thereto, the 1st respondent conducted an enquiry and passed the impugned order dated 13.03.2026. Challenging the same, this writ petition has been filed.

5. Learned counsel for the petitioner submitted that while exercising powers under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, the 1st respondent travelled beyond his powers and proceeded to allot shares in the property among the parties, thereby a partition was effected. It is his arguments that without any jurisdiction to adjudicate the title disputes, the 1st respondent acted and therefore, the same is non-est in law. He further contended that the power under Section 23 of the Act is confined to examining the validity of a transfer made by a senior citizen subject to the conditions contemplated under the Act. Therefore, the impugned order dated 13.03.2026 is illegal and arbitrary. He further submitted that the petitioner has 2nd respondent has already initiated civil proceedings before the Sub Judge, Coimbatore in O.S. No.1424 of 2023. Therefore, the impugned order, insofar as it determines shares and proprietary rights, is wholly without jurisdiction. In view of the above, he prayed to quash the impugned order dated 13.03.2026 issued by the 1st respondent as well as prayed for allowing of this writ petition.

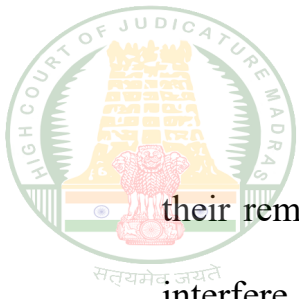


6. Per contra, the learned Government Counsel appearing for the respondents submitted that the impugned proceedings were initiated based on the complaint preferred by the 2nd respondent under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The authority, after conducting enquiry and considering the materials available on record, passed the impugned order. However, he has no objection for issuance of suitable directions to resolve the issue.

7. Heard the learned counsel appearing for the petitioner and the learned Government Counsel appearing for the respondents and perused the materials placed on record.

8. Admittedly, disputes relating to the property in question are already the subject matter of civil proceedings pending before the Civil Court viz., suit in O.S. No.1424 of 2023 before the learned IV Sub Judge, Coimbatore instituted by the 2nd respondent. It is the submission of the learned counsel for the petitioner that while exercising jurisdiction under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, the 1st respondent has proceeded to allot shares in the property among the parties.

9. Be that as it may, since the parties are already before the competent Civil Court and the issues relating to their respective rights are pending consideration therein, this Court is of the view that the parties shall work out



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their remedies before the Civil Court. Therefore, this Court is not inclined to interfere the order impugned herein at this stage and the parties have to approach the civil court as there are disputed questions involved.

10. Accordingly, while leaving it open to the petitioner to canvass all factual and legal contentions in the pending suit before the Civil Court. It is made clear that the impugned order shall be treated only as a temporary arrangement between the parties and shall be subject to the outcome of the civil suit viz., O.S. No.1424 of 2023 before the learned IV Sub Judge, Coimbatore. The Civil Court shall decide the rights of the parties independently on the basis of the pleadings and evidence available before it, without being influenced by any observations contained in the impugned order.

11. With the aforesaid observations, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

01.06.2026

Index : Yes / No
Speaking Order / Non-speaking order
Neutral Citation Case : Yes / No
vsi2



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M. DHANDAPANI, J.

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