



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 17-06-2026**

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CORAM

**THE HONOURABLE MR JUSTICE M.DHANDAPANI**

**WP No. 22779 of 2026 and WMP.No.24710 of 2026**

Subitha

Petitioner(s)

Vs

1. The District collector  
Office of the District Collector,  
Kallakurichi District.

2.The Revenue Diviional Officer  
Office of the Revenue Divisional  
officer, Thirukovilur, Kallakurichi  
District.

3.Samsudeen  
4.Kamarudeen  
5.Akbar Ali  
6.Ansar Ali  
7.Uthuman Ali  
8.Kolanchi

Respondent(s)

**PRAYER:** Petition filed under Article 226 of Constitution of India, calling for the records in connection with the proceedings of the 2nd respondent, The Revenue Divisional officer, Thirukovilur, Kallakurichi District in M.U. No.MO.A2/ 2642/ 2023 dated 23.07.2025 and partially allowing the appeal by the first respondent in appeal no.1655 /A1/ 2025, dated 19.12.2025 and allow the complaint in to by way of cancelling the document registered as registration no. 1690 of 2021 dated 03.09.2021 before SRO Ulundurpet and Consequently, Enhance the monthly maintenance awarded to a reasonable amount sufficient for her livelihood, medical needs, and dignity and direct the respondents No.3 to 7 to provide adequate security for payment of maintenance.

For Petitioner(s): Mr.S.Kingston Jerold

For Respondent: Mr.C.Prabhakaran for R1 & R2  
Government Counsel

**ORDER**

By consent of both parties, this writ petition is taken up for final disposal



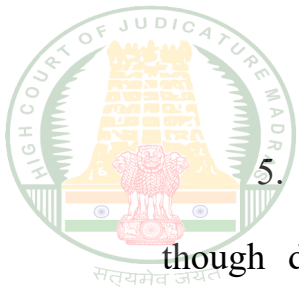
at the admission stage itself. Since no adverse order is passed against the private respondents, notice to the private respondents is dispensed with.

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2. This petition has been filed challenging the proceedings of the respondents dismissing the complaint filed by the petitioner seeking to cancel the partition deed entered into between the petitioner and their children.

3. It is the case of the petitioner that the petitioner husband had two wives, the petitioner is the second wife. It is the grievance of the petitioner that her children partitioned the property without allotting her share. Hence, the petitioner made a complaint before the second respondent seeking for cancelling the document and the second respondent dismissed the complaint on 23.07.2025. On appeal before the first respondent, the first respondent while dismissing the appeal refusing to cancel the document had granted maintenance of Rs.2000/- per month payable by the respondents 3 to 7. Challenging the same, the present writ petition has been filed.

4. The learned counsel for the petitioner submitted that admittedly the petitioner is one of the legal heir of the deceased husband, however, the entire property was enjoyed by the their children/private respondents and she was not allotted any share in the partition deed. Hence, seeks for appropriate orders.



5. The learned Government Counsel submitted that the respondents though dismissed the complaint filed by the petitioner, however, ordered maintenance payable by the respondents 3 to 7. Hence, seeks for dismissal of this writ petition.

6. Heard the learned counsel for the petitioner and the learned Government Counsel and perused the materials placed on record.

7. This Court is of the view that when there is any dispute with regard to the share of the property, only Civil Court has to decide not by the official respondents. Admittedly, partition deed is also entered into between the parties on 03.09.2021. In such view of the matter, I do not find any merits in this writ petition.

8. Accordingly, this writ petition stands dismissed with a liberty to the petitioner to approach the competent civil court for appropriate remedy. No costs. Consequently, connected miscellaneous petition stands closed.

**17-06-2026**

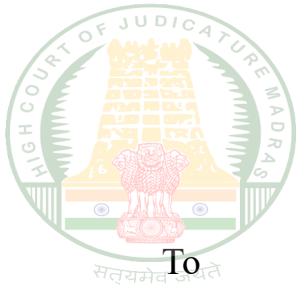
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

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**M.DHANDAPANI J.**

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