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W.P.No.38116 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.38116 of 2024

And

W.M.P.Nos.41246 of 2024 and 3236 of 2025

V.Gnanaseelan

... Petitioner

Vs.

1.The District Collector
Office of the District Collector
Coimbatore
Coimbatore District.

2.Sub Divisional Magistrate & Revenue Divisional Officer, Coimbatore,
North Division & Tribunal under Parents and Senior Citizen
Protection and Welfare Act, 2007
Coimbatore North
Coimbatore District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records pertaining to the order dated 20.11.2024 under proceedings in Na.Ka.No.CLRREV/6163/2024/ 2 passed by the first respondent against the petitioner, quash the same.



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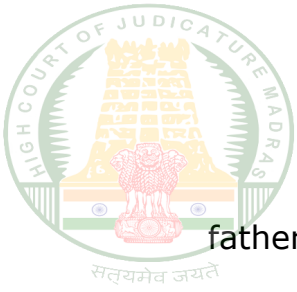
For Petitioner : Mr.C.D.Sugumar
For Petitioner in W.M.P.No.3236 of 2025 : Mr.Saravanan.D.

For Respondents : Mr.M.Sivavarthanan
Government Counsel

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records pertaining to the order dated 20.11.2024 under proceedings in Na.Ka.No.CLRREV/6163/2024/2 passed by the first respondent against the petitioner, quash the same.

2.The learned counsel appearing for the petitioner submitted that the petitioner is the son of one Vincent. The petitioner's father made application before the second respondent under the Maintenance and Welfare of Parents and Senior Citizens Act and the second respondent passed order dated 24.09.2024 directing the petitioner to vacate the house in which he is residing and aggrieved by the same, the petitioner filed appeal before the first respondent and during the pendency of the appeal, the father of the petitioner died, however, the first respondent directed to implement the order passed by the second respondent. The learned counsel further submitted that once the



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father of the petitioner died, the petitioner being the owner of the property is entitled to enjoy the property and payment of maintenance or vacating the house and handing over to the petitioner's father does not arise. If at all the petitioner's sisters claim that they have right over the property, they have to approach the competent civil Court.

3.The learned counsel appearing for the petitioners in W.M.P.No.3236 of 2025 submitted that the petitioners in W.M.P.No.3236 of 2025 are the sisters of the petitioner. Already the second respondent directed the writ petitioner to vacate the premises and to hand over the same to their father and if the said order is implemented, the petitioners in W.M.P.No.3236 of 2025 are entitled to occupy the premises.

4.The learned Government Counsel submitted that the petitioners in W.M.P.No.3236 of 2025 are not parties either before the second respondent or before the first respondent and the dispute was only between the petitioner's father and petitioner and further submitted that without considering the fact that the petitioner's father died, the first respondent passed the impugned order, which is not sustainable one.



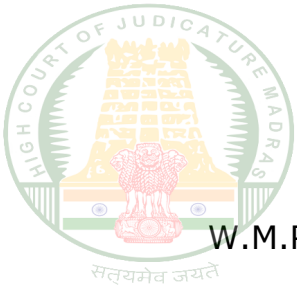
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5.Heard both sides and perused the materials available on record.

6.The petitioner's father made application before the second respondent under the Maintenance and Welfare of Parents and Senior Citizens Act and the second respondent passed order dated 24.09.2024 directing the petitioner to vacate the house in which he is residing and aggrieved by the same, the petitioner filed appeal before the first respondent and during the pendency of the appeal, the father of the petitioner died, however, the first respondent directed to implement the order passed by the second respondent. Once the father of the petitioner died, there is no question of vacating and handing over the premises to the petitioner's father. Hence, the order of the first respondent is non application of mind and the same is liable to be set aside.

7.The writ petition is allowed. The order dated 20.11.2024 under proceedings in Na.Ka.No.CLRREV/6163/2024/ 2 passed by the first respondent is set aside. No costs. Consequently,



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W.M.P.No.41246 of 2024 is closed. Since this Court finds no necessity to implead the petitioners in W.M.P.No.3236 of 2025 in this writ petition, W.M.P.No.3236 of 2025 is also closed. However, liberty is granted to the petitioners in W.M.P.No.3236 of 2025 namely, V.Virgin; V.Celin and V.Kathreen/ sisters of the petitioner, to file civil suit as against the petitioner in the manner known to law.

22.06.2026

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

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