

W.P(MD)No.20964 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.20964 of 2026
and
WMP (MD) No.15591 of 2026

1. Sakunthala
2. Kumaresan

... Petitioner(s)

VS.

1. Appellate Authority Under
Maintenance and Welfare of Parents and
Senior Citizen Act, /the District Collector,
Office of the District Collector,
Ramanathapuram.

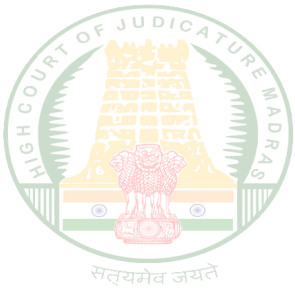
2. The Presiding Officer,
Under Maintenance and Welfare of
Parents and Senior Citizen Act/the
Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Paramakudi.

3. Ramaraju
4. Singathai

... Respondent(s)

PRAYER : Writ Petition, filed under Article 226 of the Constitution of India,
praying this court to issue a Writ of Certiorari, calling for the records pertaining

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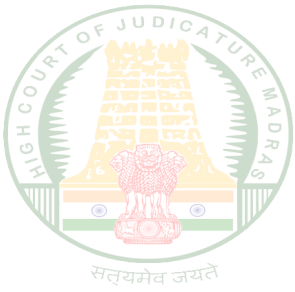
to the Impugned order of the 1st Respondent vide his proceedings in of the 1st Respondent vide his proceedings in (Pa.Mu) COLREV/10573/2026/C2 dated 13.07.2026 and quash the same as illegal in respect of to hand over the key of the ground floor portion of the residential house Door No. 2/110, Thallakulam, Melachathiram, Paramakudi to the appellants on humanitarian grounds as against the order dated 28.04.2026 made in I.A. No.2 of 2025 in O.S. No. 97 of 2025 on the file of District Munsif Court, Paramakudi.

For Petitioner	: Mr. D.Senthil
For R1 & R2	: Mr.R.Ramasamy, Counsel for State
For R3 & R4	: Mr.J.Barathan

ORDER

This Writ Petition has been filed challenging the impugned order dated 13.07.2026 passed by the first respondent, whereby the first respondent directed the petitioners to hand over the key of the ground floor portion of the residential house Door No. 2/110, Thallakulam, Melachathiram, Paramakudi to the appellants on humanitarian grounds as against the order dated 28.04.2026 made in I.A. No.2 of 2025 in O.S. No. 97 of 2025 on the file of District Munsif Court, Paramakudi.

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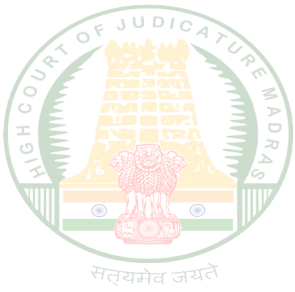


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2. Heard the learned counsel for the parties. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The learned counsel appearing for the petitioners submitted that the first petitioner is the daughter of the fourth respondent and the second petitioner is the son-in-law of the fourth respondent. The third and fourth respondents, being the parents of the first petitioner and the parents-in-law of the second petitioner, out of love and affection, executed an irrevocable settlement deed in favour of the first petitioner and her sister. It is further submitted that thereafter, the petitioners constructed a residential building in the property belonging to the fourth respondent by availing a housing loan obtained by the second petitioner. The fourth respondent is residing in the second floor of the building, while the petitioners are residing in the ground floor. It is also not in dispute that the third and fourth respondents are receiving the rental income from the tenant occupying the first floor. While so, the third and fourth respondents filed a petition before the second respondent under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, seeking cancellation of the settlement deed as well as eviction of the petitioners. The



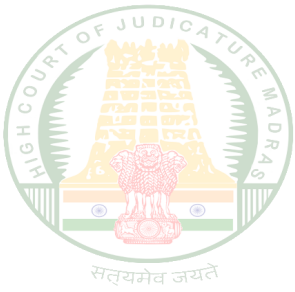
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second respondent rejected the request made by the third and fourth respondents.

Aggrieved by the same, the third and fourth respondents preferred an appeal before the first respondent. The first respondent confirmed the order insofar as the rejection of the prayer for cancellation of the settlement deed is concerned. However, the first respondent directed the petitioners to vacate the ground floor and shift their residence to the second floor so as to enable the third and fourth respondents, who are senior citizens, to occupy the ground floor. Challenging the said direction, the present Writ Petition has been filed.

4. The learned counsel for the petitioners further submitted that, even prior to initiating proceedings under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, the third and fourth respondents had attempted to evict the petitioners from the ground floor. Consequently, the petitioners instituted O.S. No.97 of 2025 before the District Munsif Court, Paramakudi and also filed I.A. No.2 of 2025 seeking interim injunction. By order dated 28.04.2026, the Trial Court granted an order of interim injunction restraining the private respondents from evicting the petitioners from the suit schedule property. It is therefore contended that, contrary to the subsisting order of injunction passed by the Civil

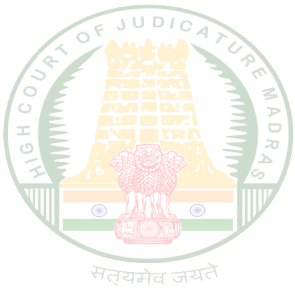


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Court, the first respondent has passed the impugned order directing the petitioners to vacate the ground floor, which is wholly unsustainable in law. Accordingly, the learned counsel prayed for allowing the Writ Petition.

5. Per contra, the learned counsel appearing for the respondents 3 and 4 submitted that the disputed property admittedly belongs to the fourth respondent. It is true that the second petitioner had availed a housing loan from a nationalised bank and constructed the building. However, on account of their advanced age, the third and fourth respondents are unable to climb the stairs and reside on the second floor. Therefore, they approached the authorities seeking permission to occupy the ground floor. It is submitted that the third and fourth respondents have no objection to the petitioners residing in the second floor and the impugned order merely directs an exchange of occupation between the petitioners and the third and fourth respondents. It is further contended that the order of the Civil Court only restrains eviction of the petitioners from the property and does not prohibit the authorities from directing a change in the portion of occupation within the same building. Such a direction is well within the powers conferred under Section 4 of the Maintenance and Welfare of Parents



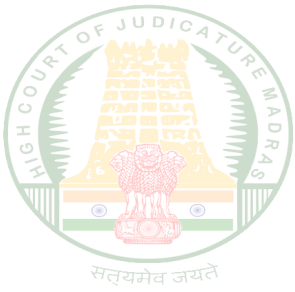
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and Senior Citizens Act, 2007, read with Rule 20(2-A) of the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Rules. Hence, the learned counsel prayed for dismissal of the Writ Petition.

6. This Court has carefully considered the rival submissions and perused the materials available on record.

7. It is not in dispute that the property originally belongs to the fourth respondent. Though the second petitioner had availed a housing loan along with the respondents 4 and 5 and constructed the building, the third and fourth respondents, who are senior citizens, are admittedly unable to access the second floor on account of their advanced age. Taking note of the said circumstance, the first respondent, while declining to cancel the settlement deed, has only directed the petitioners to shift their residence from the ground floor to the second floor, thereby enabling the third and fourth respondents to occupy the ground floor. The impugned order does not direct eviction of the petitioners from the property but merely regulates the mode of occupation in order to safeguard the welfare and convenience of the senior citizens.



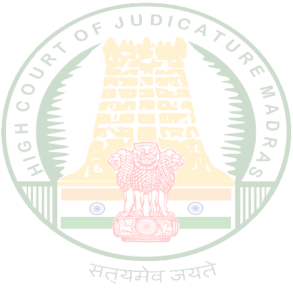
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8. The contention of the petitioners that the impugned order is contrary to the interim injunction granted by the Civil Court cannot be accepted. The order of injunction merely restrains the respondents from evicting the petitioners from the suit property. The impugned order does not result in the petitioners being dispossessed from the property, it merely directs them to shift their residence from the ground floor to the second floor within the same residential building. Therefore, there is no inconsistency between the order passed by the Civil Court and the impugned proceedings.

9. In view of the above, this Court is of the considered opinion that the first respondent has exercised the jurisdiction vested under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, and the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Rules, keeping in view the welfare and convenience of the senior citizens. The direction issued by the first respondent is reasonable, equitable and does not suffer from any illegality or procedural infirmity warranting interference under Article 226 of the Constitution of India.

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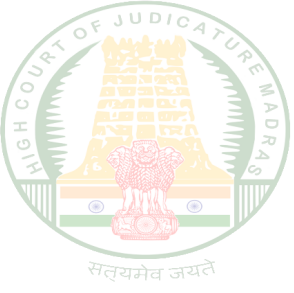
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10. Accordingly, this Court finds no merit in the Writ Petition and the impugned order passed by the first respondent is confirmed. The Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

24.07.2026

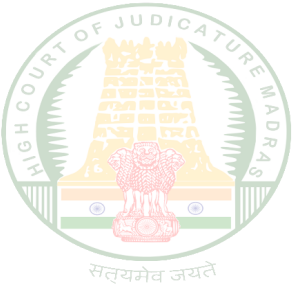
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M.DHANDAPANI,J.

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**ORDER MADE IN
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DATED : 24.07.2026

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