

W.A. (MD) Nos.3268 & 3269 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 17 / 08 / 2026

DELIVERED ON : 08 / 09 / 2026

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CORAM:
THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN
AND
THE HON'BLE MR. JUSTICE R.SAKTHIVEL

W.A. (MD) NOS. 3268 & 3269 OF 2025

AND

C.M.P. (MD) NO.20393 OF 2025

IN

W.A. (MD) NO.3268 OF 2025

AND

C.M.P. (MD) NO.20394 OF 2025

IN

W.A. (MD) NO.3269 OF 2025

W. A. (MD) No.3268 of 2025

M.Vasanthi,
W/o.Late. Muralidharan,

Permanently residing at
C-96, 10th A Cross, Thillai Nagar,
West Extension, Trichy- 620 018

Now Residing at
No.24, Cauvery Nagar,
Managamma Nagar, Srirangam,
Trichy-620 006.

... Appellant /
Writ Petitioner

Versus

1. The District Collector,
Trichy (Acting as the Appellate Tribunal under
Central Act 56/2007) Collector Office,
Raja Colony, Trichy-620 001.



W.A. (MD) Nos.3268 & 3269 of 2025

2. The Revenue Divisional Officer,
RDO Office, Old Collector Office,
Trichy- 620 001.

... Respondents 1&2 /
Respondents 1 & 2

3. M.M.Nagarajah Pillai (Died)

... 3rd Respondent /
3rd Respondent

4. N.Manorama Devi,
W/o.Late. M.M.Nagarajah Pillai,

5. N.Lakshmi Priya,
D/o.Late. M.M.Nagarajah Pillai,

Respondents 4 & 5 are residing at
C-21, 11th Cross West, Prathi Abodes,
Door No.C2, 2nd Floor, West Extension,
Thillai Nagar, Trichy- 620 018.

... Respondents 4 & 5 /
legal representatives of
deceased 3rd
Respondent

*Note: Cause title is accepted vide
Order dated December 18, 2025
made in C.M.P. (MD).Nos.20098
& 20099 of 2025 in W.A. (MD)
S.R. Nos.108466 & 108467 of
2025 respectively.*

PRAYER in W. A. (MD) No.3268 of 2025: Writ Appeal filed under
Clause 15 of the Letters Patent, praying to set aside the Order dated
November 12, 2025 made in W.P. (MD) No.22793 of 2021 on the file of
this Court.



W.A. (MD) Nos.3268 & 3269 of 2025

PRAYER in C.M.P. (MD) No.20393 of 2025: Civil Miscellaneous

Petition filed praying to stay the operation of the Order dated November 12, 2025, passed in W.P. (MD) No.22793 of 2021, pending disposal of the Writ Appeal and pass such further or other Orders this Court deems fit in favour of petitioner.

W. A. (MD) No.3269 of 2025

1. M.Vasanthi,
W/o.Late. Muralidharan,

2. Rajeevi Ar.Murali,
S/o.Late. Muralidharan

3. Sodasi Ar.Murali,
S/o.Late. Muralidharan

... Appellants /
Respondents 3 to 5

All are permanently residing at
C-96, 10th A Cross,
Thillai Nagar,
West Extension, Trichy – 620 018.

Now residing at
No.24, Cauvery Nagar,
Managamma Nagar, Srirangam,
Trichy – 620 006.

Versus

1. M.M.Nagarajah Pillai (Died)

...1st Respondent /
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Trichy- 620 001.

... Respondents 2&3 /
Respondents 1 & 2

4. N.Manorama Devi,
W/o.Late. M.M.Nagarajah Pillai
5. N.Lakshmi Priya,
D/o.Late M.M.Nagarajah Pillai

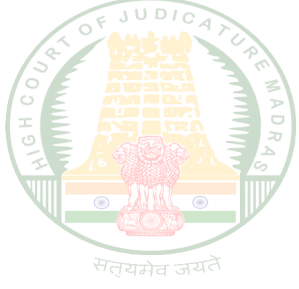
... Respondents 4 & 5 /
legal representatives of
the Writ Petitioner

Respondents 4 & 5 are residing at
C-21, 11th Cross West, Prathi Abodes,
Door No.C2, 2nd Floor, West Extension,
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S.R. Nos.108466 & 108467 of
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PRAYER in W. A. (MD) No.3269 of 2025: Writ Appeal filed under
Clause 15 of the Letters Patent, praying to set aside the Order dated
November 12, 2025 made in W.P. (MD) No.282 of 2022 on the file of
this Court.

PRAYER in C.M.P. (MD) No.20394 of 2025: Civil Miscellaneous
Petition filed praying to stay the operation of the Order dated November
12, 2025, passed in W.P. (MD) No.282 of 2022, pending disposal of the
Writ Appeal and pass such further or other Orders this Court deems fit in
favour of petitioner.



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For Appellant : Mr. R.Vigneshwaran

For Respondent

Nos.1 & 2 in

WA(MD).No.

3268/2026

Mr. K.K.Udaya Kumar

:

Government Advocate

For Respondent

(civil side)

Nos.2 & 3 in

WA(MD).No.

3269/2026

For Respondent : Mr.A.V.Arun

Nos.4 & 5 in for

both Writ Mr.M.Prabakaran

Appeals

* * *

COMMON JUDGMENT**R.SAKTHIVEL, J.**

These Writ Appeals are filed at the instance of the petitioner in W.P. (MD) No.22793 of 2021 and the Respondent Nos.3 to 5 in W.P. (MD) No.282 of 2022, challenging the Common Order dated November 12, 2025 passed therein by a learned Single Judge of this Court.

2. Both the Writ Petitions were filed seeking a Writ of Certiorari, praying to quash the Order passed by the District Collector, Trichy in Na. Ka. No.G1 / 31377 / 2021 dated December 09, 2021.



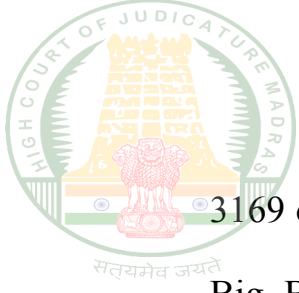
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3. To be noted, the Writ Court heard the matter jointly, reserved for

Orders on September 23, 2025 and pronounced the Order on November 12, 2025. In the interregnum, the writ petitioner in W.P. (MD). No.282 of 2022 and third respondent in W.P. (MD).No.22793 of 2021, namely M.M. Nagarajah Pillai passed away on October 28, 2025. Therefore, his legal heirs are arrayed as parties in these Writ Appeals. Separate applications seeking to accept the cause titles to the Writ Appeals were filed and the same were ordered by this Court *vide* Order dated December 18, 2025 in C.M.P. (MD) Nos.20098 & 20099 of 2025 in W.A. (MD) S.R. Nos.108466 & 108467 of 2025.

BRIEF FACTS NECESSARY TO DISPOSE OF THE WRIT APPEALS ARE AS FOLLOWS:

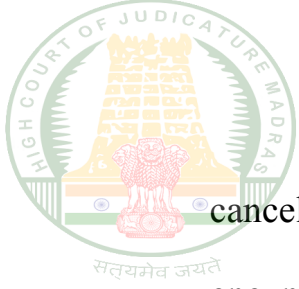
4. M.M.Nagarajah Pillai and N.Manorama Devi are husband and wife. In their wedlock, they had one daughter - N.Lakshmi Priya and one son - N.Muralidharan. Said N.Muralidharan married one M.Vasanthi who is the first appellant in both the Writ Appeals. In their wedlock, they have two sons namely Rajeevi Ar.Murali and M.A.Ashok Nagaraj and one daughter namely Sodasi Ar.Murali. M.M.Nagarajah Pillai out of love and affection executed two Gift Settlement Deeds even dated September 16, 2013 in favour of his son - N.Muralidharan *vide* Document Nos.3168 and



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3169 of 2013 in respect of two shops in Door Nos.307 and 308 situate at Big Bazaar Street, Trichy. On December 04, 2019, N.Muralidharan passed away. Thereafter, dispute arose between the father-in-law - M.M.Nagarajah Pillai on one side and daughter-in-law - Vasanthi and her children on the other side.

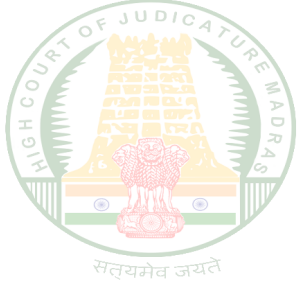
4.1. According to the father-in-law - M.M.Nagarajah Pillai, the shops in Door No.306 to 309 situate at Big Bazaar Street, Trichy are all his self-acquired and personal properties, and likewise, the property situate in Door No.71, Valaiyalkara Street is also his self-acquired property. While so, out of love and affection and with the fond hope that his son, daughter-in-law and their children would take care of him and his wife - N.Manorama Devi, he executed the aforesaid two Gift Settlement Deeds in favour of his son. However, after the demise of his son - N.Muralidharan on December 4, 2019, the daughter-in-law - Vasanthi refused to take care of him and his wife and also tried to alienate and encumber the aforesaid properties. Hence, the father-in-law - M.M.Nagarajah Pillai filed a petition before the Revenue Divisional Officer, Trichy under Section 3 read with Section 5 of 'the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 [Central Act No.56 of 2007]' (hereinafter referred to as 'the 2007 Act') *inter-alia* seeking (i)



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cancellation of the aforesaid two Settlement Deeds, (ii) direction not to encumber or alienate the said shops in Door Nos.306 to 309 as well as the said property in Door No.71, (iii) direction not to dispose of the stocks in the said shops in Door Nos.306 to 309 and not interfere with the smooth functioning of those shops and (iii) handover possession of a rental premises in Thillai Nagar to M.M.Nagarajah Pillai for in turn handing over to the landlord. After hearing both sides, the Revenue Divisional Officer, Trichy vide his proceedings in Na. Ka. No.A1/1649/2020 dated August 09, 2021, ordered as follows:

- "i) The father-in-law shall not claim any right or possession over the property covered under the settlement deed dated September 16, 2013 i.e., Door Nos.307 and 308 and shall not interfere with the respondent's possession over the same.*
- ii) The daughter-in-law - M.Vasanthi shall hand over possession of Door Nos.306 and 309 within 30 days from the date of the order, failing which the authority shall consider to cancel the gift settlement deed.*
- iii) As far as Door No.71, Valaiyalkara Street is concerned, the daughter-in-law is entitled to enjoy the same without making any encumbrance. The*



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father-in-law shall not cause any interference with her such enjoyment.

- iv) *In case, the father-in-law and the daughter-in-law want to alienate any of the aforesaid property, they have to alienate their respective share alone.*
- v) *As far as the rental premises in Thillai Nagar is concerned, the father-in-law has no right over the same. Further, there is a case is pending before the Revenue Divisional Officer, Trichy between the landlord and M.Vasanthi. The father-in-law has no right over the said property."*

5. Feeling aggrieved by the Order of the Revenue Divisional Officer, Trichy, the daughter-in-law - M.Vasanthi filed a Writ Petition in W.P. (MD) No.18989 of 2021. Further, feeling aggrieved the same Order, the father-in-law preferred an Appeal under Section 16 of the 2007 Act before the Appellate Tribunal / District Collector, Trichy, who after hearing both sides, *vide* their Order dated December 09, 2021 dismissed the said Appeal and thereby confirmed the Order passed by the Revenue Divisional Officer. Feeling aggrieved by the said Order, while the appellant therein / father-in-law - M.M.Nagarajah Pillai preferred the



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Writ Petition in W.P. (MD) No.282 of 2022 before this Court, the respondent therein namely M.Vasathi preferred the Writ Petition in W.P. (MD) No.22793 of 2021.

6. The aforesaid three Writ Petitions were heard jointly and the learned Single Judge passed a Common Order dated November 12, 2025 dismissing all the three Writ Petitions and directing the daughter-in-law and her children to vacate and handover possession of Door Nos.306 and 309 within a period of one month from the date of the said Order. Feeling aggrieved by the same, the daughter-in-law and her children have preferred the instant Writ Appeals.

7. It is hereby clarified that, Respondents 4 & 5 herein/Legal heirs of Late.M.M.Nagarajah Pillai did not prefer any Appeal over the Writ Court's Order, the dispute before this Court is limited to the direction of the Writ Court against the daughter-in-law and her children to handover possession of the shops in Door Nos.306 and 309.

ARGUMENTS

8. Mr.R.Vigneshwaran, learned Counsel appearing for the appellants in both Writ Appeals would submit that, after the demise of

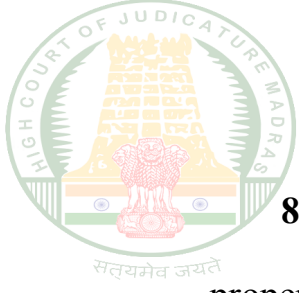


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her husband - N.Muralidharan, the first appellant namely M.Vasanthi is alone taking care of her two sons and one daughter including their educational needs. Her parents-in-laws have sufficient wealth and properties to maintain themselves. In these circumstances, only with a view to give trouble to their daughter-in-law and grant children, they filed the aforesaid petition under the 2007 Act before the Revenue Divisional Officer falsely as if he had no wherewithal to maintain himself and his wife.

8.1. Further, he would submit that the daughter-in-law filed a Suit for partition in O.S. No.366 of 2021 on the file of the District Court, Trichy and the same is pending. Further, she also filed a Suit for permanent injunction in O.S. No.256 of 2020 on the file the Sub-Court, Trichy and the same is also pending. In these circumstances, the Appellate Tribunal as well as the Original Authority / Revenue Divisional Officer ordered for delivery of possession without any jurisdiction or power to do so. Hence, their Order *qua* delivery of possession having been passed without jurisdiction is liable to be set aside.



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8.2. Further, the shops in Door Nos.306 and 309 are ancestral properties in which M.Vasanthi and her children have rights. The learned Single Judge failed to consider these aspects and directed the daughter-in-law and her children to deliver possession of the shops in Door No. 306 and 309, which is not justifiable. Accordingly, he would pray to allow the Writ Appeals and set aside the Order of the learned Single Judge *qua* the direction to the daughter-in-law and her children to deliver possession of the shops in Door Nos.306 and 309 to the father-in-law.

9. Opposing these submissions, Mr.A.V.Arun, learned Counsel representing Mr.M.Prabhakaran, Counsel on record for the Respondent Nos.4 & 5, who are the legal heirs of the father-in-law - M.M.Nagarajah Pillai, would argue that the authorities under the 2007 Act, while dealing with the maintenance petitions filed under Section 5 thereof, have every power to order delivery of possession. He would further submit that there are four shops in Shop Nos.306 to 309 and they are all self-acquired properties of the father-in-law - M.M.Nagarajah Pillai. Considering these facts, the Original Authority as well as the Appellate Tribunal ordered delivery of possession of the shops in Door Nos.306 and 309. The learned Single Judge rightly confirmed the same. Though the father-in-law - M.M.Nagarajah Pillai passed away before pronouncement of the



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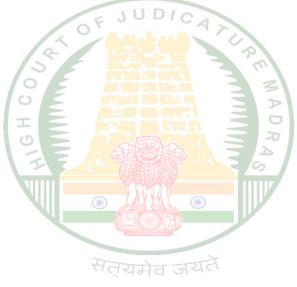
Order by the learned Single Judge, his wife - N.Manorama Devi is entitled to get the benefit of the Order. There is no irregularity or illegality in the Orders passed by the authorities constituted under the 2007 Act as well as the learned Single Judge. Accordingly, he would pray to dismiss the Writ Appeals.

DISCUSSION

10. This Court has considered both sides' submissions and perused the materials available on record.

11. The central question before this Court is whether the authorities constituted under the 2007 Act have the power to order delivery of possession. The said question is no more *res integra* and has been settled by a line of decisions of the Hon'ble Supreme Court. The recent one being the Judgment dated August 04, 2026 in ***Ravi Kant Gupta -vs- State of Uttar Pradesh*** in ***S.L.P. (civil) Diary No.22768 of 2024***, wherein referring to three earlier Judgments of the Hon'ble Apex Court, it was observed as hereunder:

"10. ... It is a well-settled legal proposition that where an Act confers a jurisdiction, it impliedly also grants the power of doing all such



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acts, or employing such means, as are essentially necessary to its execution. On this analogy, we have no hesitation in holding that the tribunal under the Act has power to order eviction in order to ensure the maintenance or protection of a senior citizen.

11. It is noteworthy that a three-judge bench of this Court while dealing with claims arising out of the provisions of the Act and the Protection of Women from Domestic Violence Act, 2005 held that the tribunal under the Act may have the authority to order an eviction if it is necessary and expedient to ensure the maintenance and protection of a senior citizen or a parent. It was further held that eviction would be an incident of enforcement of right to maintenance and protection. Taking into account the aforesaid observations, a two-Judge Bench of this Court held that tribunal under the Act may order eviction if it is necessary and expedient to ensure the protection of senior citizens. Another two-Judge bench of this Court reiterated the same view."

12. In the context of the present case, eviction of the daughter-in-law and her children from the shops in Door Nos.306 and 309 and further



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directing them to deliver possession of the same in favour of the father-in-law, is incidental to the enforcement of his maintenance rights along with that of his wife - N.Manoramadevi. Moreover, the daughter-in-law and her children are currently in possession and enjoyment of the shops in Door Nos.307 and 308 on the strength of the two Settlement Deeds executed by father-in-law. When they currently have two shops for themselves, it is not right to hold on to the rest as well while the father-in-law is seeking to enforce his maintenance rights. Hence, the learned Single Judge is legally right and justifiable in dismissing the Writ Petitions and directing the daughter-in-law and her children to surrender possession of the shops in Door Nos.306 and 309 to the father-in-law - M.M.Nagarajah Pillai. Since the father-in-law - M.M.Nagarajah Pillai passed away, his wife - N.Manoramadevi who is also a maintenance holder, is entitled to get the benefit of the Order. Hence, this Court does not find any irregularity or illegality with the Order passed by the learned Single Judge. Therefore, both the Writ Appeals are liable to be dismissed.

13. Before parting, it is hereby clarified that that the above arrangement is however only an arrangement for the time being for



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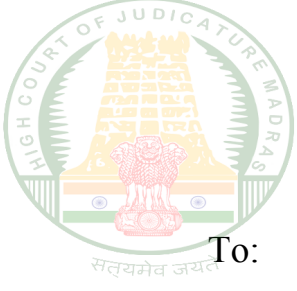
protecting the maintenance rights of the mother-in-law. As stated *supra*, a Partition Suit filed by the daughter-in-law and her children is pending before the District Court, Trichy. The parties are at liberty to work out their final rights before the Civil Court in the said Partition Suit. They are at liberty to raise all the contentions raised in the Writ proceedings and they shall be dealt with on their own merit as per law untrammelled and uninfluenced by the Orders of this Court in the Writ proceedings. Until the rights of the parties are conclusively decided by the Civil Court, the aforesaid interim arrangement of delivery of possession of the shops in Door Nos.306 and 309 shall hold good.

CONCLUSION

14. Resultantly, these Writ Appeals are dismissed with the above observations. The Stay Petitions in C.M.P. (MD) Nos.20393 & 20394 of 2025, filed by the appellant shall stand closed. In view of the facts and circumstances of this case, there shall be no order as to costs.

(C.V.K.,J.) (R.S.V,J)
08 / 09 / 2026

Index : Yes
Speaking Order : Yes
Neutral Citation : Yes
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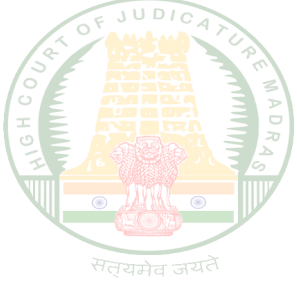


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W.A. (MD) Nos.3268 & 3269 of 2025

C.V.KARTHIKEYAN, J.

AND

R.SAKTHIVEL, J.

gvn

COMMON JUDGMENT

MADE IN

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08 / 09 / 2026