



WEB COPY

WP No. 30098 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-06-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

**W.P.No. 30098 of 2024
and W.M.P.No.32796 of 2024**

M.Hameed Fakruddin

..Petitioner(s)

Vs

1.The Enquiry Officer,
Revenue and Disaster Management Department,
Government of Puducherry,
Puducherry District.

2.Samsulnisha

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, to call for the records relating to Case No.110 of 2023 dated 11.07.2024 of the first respondent and quash the same, insofar as the shifting of residence by the petitioner from ground floor to the first floor portion at No.41, Pallivaasal Street, Karukkangudi, Tirunallar, Karaikkal District, Puducherry District.

For Petitioner(s):

Mr.L.Chandrakumar

For Respondent(s):

Mr.J.Kumaran

Additional Government Pleader(Puducherry)
for R1

Mr.P.Kannan for R2

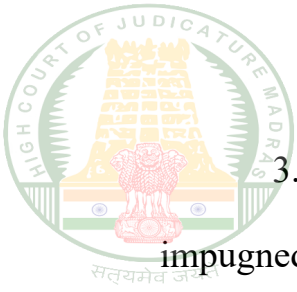


ORDER

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This Writ Petition has been filed challenging the order in Case No.110 of 2023 dated 11.07.2024 passed by the first respondent and to quash the same, insofar as shifting of residence by the petitioner from ground floor to the first floor portion at No.41, Pallivaasal Street, Karukkangudi, Tirunallar, Karaikkal District, Puducherry District.

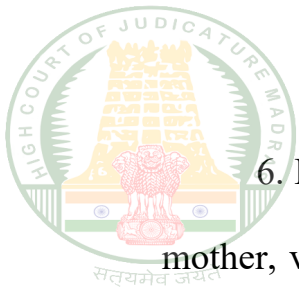
2. The facts of the case are that the petitioner is the son of the second respondent and worked as Driver in Gulf Countries. Out of his hard earned money, a house was constructed in the land belonging to his mother, who inherited the same from her mother. His mother was living in the first floor portion of the building. At the instigation of the petitioner's sister, the second respondent herein, who is the mother of the petitioner, lodged a complaint before the first respondent under Section 5(1) of the Maintenance and Welfare of Parents and Senior Citizens Act as if the petitioner and his wife are not allowing her to reside in the house and sought for maintenance. However, the first respondent, without considering the above facts, passed an order directing the petitioner to vacate from ground floor and shift to first floor of dwelling house and pay a sum of Rs.2,000/- as monthly maintenance to the second respondent. Challenging the same, the present writ petition has been filed.



3. The learned counsel appearing for the petitioner submits that the impugned order passed by the first respondent is in violation of the principles of natural justice and there was no opportunity of hearing granted to the petitioner before passing the impugned order.

4. The learned counsel appearing for the second respondent submits that the petitioner has not taken care of the second respondent and did not allow her to reside in the house. Therefore, the second respondent has made a complaint before the first respondent and the first respondent rightly directed the petitioner to pay the monthly maintenance of Rs.2,000/- to the second respondent and vacate the ground floor and shift to first floor of the dwelling house, considering the age of the second respondent. Hence, he prays for dismissal of this writ petition.

5. Heard the learned counsel appearing for the petitioner, learned Additional Government Pleader (Puducherry) appearing for the first respondent and the learned counsel appearing for the second respondent.



6. It is even the admitted case of the petitioner that the land belongs to his mother, viz., the second respondent upon which it is alleged that the petitioner had put up the superstructure, which contention has been disputed by the second respondent averring that the said property was bequeathed to her by her mother under a registered sale deed. When it is the specific case of the second respondent that the property was received by her from her mother on which she had put up the superstructure, a duty is cast on the petitioner to prove that the superstructure was put up by him and mere averment that he had put up the superstructure would not suffice to give any direction in his favour. Further, it is to be pointed out that the direction to the petitioner is only to shift from ground floor so as to enable the second respondent, a senior citizen, to live unhindered in the ground floor and as a son, it is the duty of the petitioner, not only to maintain his mother, viz., the second respondent, but also to see to it that she has a decent and peaceful living.

7. In the light of the above stated scenario, there being contentious issues, which cannot be resolved in a writ petition, on the basis of the materials available, the authority had passed the aforesaid impugned order, which cannot be said to be erroneous or arbitrary and, therefore, the same does not require any interference at the hands of this Court.



8. For the reasons aforesaid, this Writ Petition fails and the same is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

17-06-2026

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

ssb

To
The Enquiry Officer,
Revenue and Disaster Management Department,
Government of Puducherry,
Puducherry District.



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M.DHANDAPANI J.

ssb

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