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புதுச்சேரி மாநில அரசிதழ்

La Gazette de L'État de Poudouchéry The Gazette of Puducherry

PART - I

சிறப்பு வெளியீடு

EXTRAORDINAIRE

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IN THE TRIBUNAL FOR MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZENS (NORTH) AT PUDUCHERRY

Present : Thiru ARJUN RAMAKRISHNAN,
Presiding Officer (Tribunal-I).

MWPSC No. 37/2023/2096

Dated at Puducherry on this 3rd day of September 2024

Tmt. Vedavalli,
W/o. Balakrishnan,
No. 18, Vinayagar Koil Street,
Indira Nagar,
Sokkanathanpet,
Puducherry-605 009.

. . . Petitioner

Vs.

1. Tmt. Karpukkarasi,
No. 3, 4th Cross, Manicka Chettiyar Nagar,
Shanmugapuram,
Puducherry-605 009.

2. Tmt. Mangayarkarasi,
No. 9, Muslim Kallarai Street,
Nethaji Nagar-II,
Ouppalam,
Puducherry-605 001.
3. Thiru Manimaran,
No. 13, Sri Sai Garden,
Near Kalki Koil,
Poothurai Road,
Muthiraiyarpalayam,
Puducherry-605 010.
4. Tmt. Ilavarasi,
No. 10, Muslim Kallarai Street,
Nethaji Nagar-II,
Ouppalam,
Puducherry-605 001.
5. Thiru Thamizhmaran,
2nd Main Road,
Manicka Chettiyar Nagar,
Shanmugapuram,
Puducherry-605 009.

. . Respondents.

PROCEEDINGS

This petition is submitted by the Petitioner, Vedavalli, wife of Balakrishnan, residing at No. 18, Vinayagar Koil Street, Indira Nagar, Sokkanathanpet, Puducherry-605 009, under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and the rules framed thereunder.

PETITIONER'S PLEA

2. The Petitioner has approached this Tribunal seeking maintenance, including food, clothing, medical expenses and the return of her LGR Patta, taken by her son (the 3rd Respondent), as well as the return of the key to the 1st Floor from her son (the 5th Respondent).

CONCILIATION

3. Based on the petition filed, the Petitioner and Respondents were referred to Conciliation Officers. However, conciliation efforts failed to settle the dispute amicably. Consequently, this Tribunal proceeded with further hearings.

SUMMONS AND APPEARANCES

4. Notices were issued to both the Petitioner and Respondents, directing their appearance before the Tribunal. After several hearings, the parties appeared for the final hearing on 13-08-2024.

GIST OF THE PETITIONER'S STATEMENT

5. The Petitioner Vedavalli, stated that her elder son (3rd Respondent) took possession of the LGR Patta of her residence at Sokkanathanpet, Puducherry and has refused to return it. She claims, she requires maintenance, including food, shelter and medical expenses. The Petitioner also seeks protection and the return of the key to the 1st Floor of her house, which is being withheld by her younger son

(5th Respondent). The Petitioner states that her three daughters are married and living with their in-laws. She emphasizes that the 1st Floor of her house has been locked for the past four years, with the 5th Respondent holding the key and the 3rd Respondent holding the property documents. The Petitioner further asserts that when she asked the 3rd Respondent to take care of her, he refused. Additionally, the Petitioner stated that when she sought food and shelter from the 5th Respondent, he refused and told her to return to her own house or face hardship. Consequently, she wishes to rent out the 1st Floor.

RESPONDENT'S SUBMISSIONS

6. The 3rd Respondent Thiru Manimaran acknowledges the fact of having vacated the Petitioner's house to avoid conflict and asserts that he resides separately in Kalki Nagar. He contends that the 4th Respondent and others are fabricating claims and attempting to take over the house, despite all settlements having been finalized after their father's death. According to him, the Petitioner is being instigated by her daughters, who are seeking to gain control of the property. He informs the Tribunal that the Petitioner is not seeking maintenance but, is requesting only the key to the 1st Floor of the house.

7. The 4th Respondent Tmt. Ilavarasi submits that following their father's death, the three daughters each received ₹ 5 lakh in cash, while the sons took control of the vineyard and other properties. She disputes the 5th Respondent's claim of being unaware of the possessor of the impugned property (Petitioner's Residence) documents, suggesting that the 5th Respondent is not being truthful. The 4th Respondent also states that the Petitioner lives alone in the house and it is too small to accommodate her, indicating no interest in taking or selling the impugned property.

8. The 5th Respondent states that he has fully renovated the 1st Floor and painted the Ground Floor six months ago. He expresses his willingness to pay rent for the 1st Floor but, claims that the Petitioner refused, stating that she only wants the 1st Floor itself. Residing separately in Shanmugapuram, Puducherry, he alleges that a third party is instigating the Petitioner to gain access to the 1st Floor and possibly sell the property. He further alleges that the Settlement Tahsildar-II issued an improper order for the handover of the property documents and key without conducting a proper inquiry, leaving him with no alternative but, to file the suit. The 5th Respondent contends that the Petitioner's daughters are solely interested in taking control of the house and have harassed the elder son, leading him to move out of the Ground Floor to a separate residence in May 2020. The 5th Respondent also stated that he moved out of the 1st Floor of the impugned property to a rented house in 2022.

9. The 5th Respondent, along with the 3rd Respondent, offered to pay ₹ 7,000 per month as maintenance to the Petitioner but, expressed concerns that the Petitioner might bring others into the house or attempt to sell the impugned property.

10. The 3rd and 5th Respondent's Counsel states that the 5th Respondent has filed a suit in the Civil Court to obtain an injunction to prevent any disturbance to his peaceful possession of the impugned property. Additionally, he emphasizes that the 1st, 2nd, and 4th Respondents are focused on selling the LGR Patta property to a third party.

TRIBUNALS OBSERVATION AND ORDER

- (a) The Tribunal observes that the Petitioner has been unable to secure the key to the 1st Floor of her house, which she wishes to rent out to derive her livelihood.
- (b) The Petitioner's attempts to seek accommodation with and maintenance from her children have been rejected, indicating a need for a solution that allows her to secure her own means of support.
- (c) The Tribunal is of the view that the concerns expressed by the 3rd and 5th Respondents regarding the potential sale of the property by the Petitioner and the involvement of third parties, are largely without basis, as the Petitioner resides in the property which is an LGR Patta site issued by the Government in the name of herself and her deceased husband and she would have nowhere to go in the event of a sale of the property, her daughters (1st, 2nd and 4th Respondents) not being in a position to accommodate or maintain her.
- (d) The Tribunal is also of the view that the suit filed by the 5th Respondent before the Civil Court seeking injunction against disturbing his peaceful possession and enjoyment of the property, is largely frivolous in nature, as the 5th Respondent is residing separately, having no sole rights of ownership, title or possession to the suit property, and the Petitioner is staying alone in the suit property, being an LGR Patta site issued by the Government to herself and her deceased husband.
- (e) As the parties have approached the Directorate of Survey and Land Records regarding the documents to the property, and the proceedings thereon are ongoing, the Tribunal is of the view that no interference is warranted in the matter of the documents in respect of the property.

ORDER

- (i) The 5th Respondent is directed to handover the key of the 1st Floor of the property to the Petitioner, as she is entitled and at liberty to rent out portion of the impugned property (Petitioner's Residence) at Sokkanathanpet, Puducherry to secure her livelihood. Rather than leave the Petitioner to the mercy of the 3rd and 5th Respondents by receiving a monthly maintenance from them, the Petitioner may live in more dignity and freedom by earning an income from renting out a portion of the property.
- (ii) The Respondents are directed to ensure that they do not disrupt the Petitioner's peaceful possession of the impugned property in entirety. In the event of any threat or disturbance to the peaceful and dignified life of the Petitioner by any of the Respondents, the matter may be reported to Police who shall take action as per law against the offenders.
- (iii) A copy of this order shall be sent to the Director of Survey and Land Records in view of the proceedings pending at that forum in relation to the property, and this order shall be taken into cognisance in the disposal of the said proceedings to the extent possible for ensuring justice and welfare of the Petitioner herein.

- (iv) The 5th Respondent shall handover the key to 1st Floor of the case property (Petitioner's residence) to the Petitioner at 10.00 a.m. on 06-09-2024 at the Petitioner's residence in the presence of the Jurisdictional VAO and Police Personnel. In the event of the 5th Respondent disobeying this order, he is liable to be proceeded against under section 223 of BNS 2023 for wilful disobedience of an order lawfully promulgated by a public servant.

Typed to my dictation, corrected and is hereby pronounced by me in open Court, on this 3rd day of September 2024.

ARJUN RAMAKRISHNAN,
Presiding Officer-*cum*-
Subdivisional Magistrate (North).