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# புதுச்சேரி மாநில அரசிதழ்

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

### PART - I

சிறப்பு வெளியீடு

EXTRAORDINAIRE

EXTRAORDINARY

அதிகாரம் பெற்ற  
வெளியீடு

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No. } 85	Poudouchéry	Lundi	18	Août	2025 (27 Sravana 1947)
No. }	Puducherry	Monday	18th	August	2025

### IN THE TRIBUNAL FOR MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZENS, KARAİKAL

*Present :* Thiru ARJUN RAMAKRISHNAN,  
Presiding Officer (Tribunal-III), Karaikal.

**MWPSC No. 43/2023**

Dated at Karaikal on this 24th day of March 2025

Tmt. Dhanalakshmi,  
W/o. Rajamanickam,  
No. 40, Mela Theru,  
Poomanglam, Thirunallar.

. . . Petitioner

*Vs.*

Thiru R. Vadivelan,  
S/o. Rajamanickam,  
No. 40, Mela Theru,  
Poomanglam, Thirunallar.

. . . Respondent.

### PROCEEDINGS

This proceedings has arisen out of a petition submitted by Tmt. Dhanalakshmi, wife of Rajamanickam residing at No. 40, Mela Theru, Poomanglam, Thirunallar, hereinafter called as the "Petitioner" under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, and the rules framed thereunder.

### PETITIONER'S PLEA

2. The Petitioner has initially approached this Tribunal praying for the relief mentioned in sub para (a) and (b). However, during the course of hearing, the Petitioner has also submitted written statements seeking the relief mentioned in sub-para (c) and (d):

(a) To evict the Respondent from the petition mentioned RCC house and to reinstate the Petitioner in the same.

(b) To provide protection from the harassment and abuse caused by the Respondent.

(c) To direct the Respondent to provide monthly maintenance of ₹ 7,500.

(d) To direct the Respondent to provide assistance for Petitioner's medical treatment.

### SUMMONS AND APPEARANCES

3. Notices were issued to the Petitioner and Respondent, directing them to appear before the Tribunal on 07-06-2023. Subsequent hearings were conducted on 14-06-2023, 21-06-2023, 12-07-2023, 09-08-2023, 20-09-2023, 27-09-2023, 04-10-2023, 11-10-2023, 25-10-2023, 08-11-2023, 22-11-2023, 28-02-2024. Despite being given multiple opportunities to appear, the Respondent was frequently absent from the hearings, while the Petitioner attended most sessions.

4. Due to the Respondent's continued non-appearance, the Tribunal issued a warrant of arrest under section 70 of the CPC on 12-03-2024, directing the Station House Officer, Thirunallar, to arrest and produce him for the enquiry. Subsequent hearings were conducted on 13-03-2024, 15-05-2024, 25-06-2024, 09-07-2024, 30-07-2024, 13-08-2024, 15-11-2024, 27-12-2024, 31-01-2025 and 26-02-2025. While the Petitioner attended many of these hearings, she was absent on some occasions. The Respondent remained uncooperative, repeatedly failing to appear for multiple hearings and he attended the final hearing on 10-03-2025.

### GIST OF THE PETITIONER'S STATEMENT

5. The Petitioner, Tmt. Dhanalakshmi, states that she had been residing with her four daughters and one son, Thiru Vadivelan (the Respondent), on Kudiyiruppu patta land assigned in her name. She states that, she had arranged and conducted the marriages of all four daughters. All of her daughters are living along with their husbands after marriage.

6. The Petitioner states that the Respondent is employed as a garland maker in the "Archana Shops" near Thirunallar Sani Bhagavan Temple. Additionally, the Respondent works as a master cook and provides catering services for weddings and functions, and earns totally around ₹ 50,000 per month from all of those sources.

7. The Petitioner states that, she constructed the petition mentioned RCC house out of the funds gained from selling her cattle, wages earned through the MGNREGA Scheme and utilizing ₹ 40,000 Government subsidy under a Housing Scheme.

8. The Petitioner states that, the Respondent was previously married and lived with his wife for six years before they got separated due to his personal issues.

9. The Petitioner states that, subsequently, in the year 2022, the Respondent entered into a relationship with another woman and introduced her into the home. The Petitioner states that the Respondent is an alcoholic and along with his wife, has continuously harassed and abused her. The Respondent has forcibly expelled the Petitioner from the petition mentioned house.

10. The Petitioner states that, consequently, she approached this Tribunal, requesting the Respondent's eviction and her reinstatement in the house. As per the Tribunal's direction, the police assisted her in re-entering the house for cohabitation along with the Respondent. However, on the same night, the Respondent and his wife verbally abused her. On the next day, the Respondent physically assaulted her, forcibly pressed her neck and threatened to kill her. Following this incident, the Petitioner was admitted to the Government Hospital for treatment and lodged a complaint at the Thirunallar Police Station. After an inquiry, the police registered FIR No. 123/2023 on 13-10-2023 (a copy of which has been submitted by the Petitioner).

11. The Petitioner states that, in her old age, she has endured severe mental and physical harassment from the Respondent. He has neither provided financial assistance nor allowed her to live peacefully in the house. She further states that residing in the same house as the Respondent poses a threat to her life.

12. The Petitioner contends that the Respondent falsely claims that, he will take care of her. Whereas in reality, he has not done so. She asserts that such statements are merely intended to mislead the Tribunal, and she requests that they not be considered. The Petitioner states that the Respondent's claim over vessels worth ₹ 60,000 is false and that these belongings are hers, for which she has evidence.

13. The Petitioner states that a thatched house exists on the adjacent Kudiyiruppu land, which is registered in the name of her mother-in-law. The key and possession of this house remains with the Respondent, and he has no right to direct her to reside there.

14. The Petitioner states that the Respondent has been physically violent towards her and he has a well known path of getting anticipatory bail after assault as done earlier. She fears that if, the Respondent resides in the adjacent site, she will continue to suffer abuse from him for the rest of her life.

15. The Petitioner finally prays for the reliefs mentioned in para 2.

#### **RESPONDENT'S SUBMISSIONS**

16. The Respondent asserts that, he has legally divorced his first wife and it was his personal issue and no one has right to criticize it. He claims that the Petitioner's allegation of him introducing another woman into the house is entirely false. He further, states that his subsequent marriage was arranged and conducted by the Petitioner herself.

17. The Respondent contends that the Petitioner had rented out the house registered in her name. He argues that the Petitioner's daughters live in close proximity to her house, and she has been staying with them of her own will. The Respondent asserts that he currently resides with his wife and mother on land assigned in his grandmother's name and got shifted to the petition mentioned RCC house during the pregnancy of his wife.

18. The Respondent acknowledges that there are some minor familial disagreements between him and the Petitioner and emphasizing that such conflicts are common in every household. He asserts that the Petitioner's request for his eviction is driven by undue influence from the other family members, motivated by their personal interests. Arguing that the invocation of the MWPSA Act in this matter is unwarranted, as he perceives it to be a routine family dispute, he requests the dismissal of the petition. Furthermore, he urges the Tribunal to encourage the Petitioner to continue residing with him and his wife in a peaceful and harmonious manner.

19. The Respondent states that he and his wife have no objection to the Petitioner residing with them and that they are willing to take care of her well-being. In support of this, he has submitted a written statement, dated 23-08-2023.

20. The Respondent further argues that during the construction of the house, he was only 15 years old and had to forgo schooling to work as a labourer, handing over his earnings to the Petitioner. During the marriages of his sisters, he was employed at a flower shop, earning a daily wage of ₹ 500 and contributed approximately ₹ 12,000 per month for ten years to support the family.

21. Additionally, he claims to have taken loans from friends to install a sheet roof for the RCC house and personally financed improvements such as tile flooring, toilet construction, painting and other renovations, amounting to approximately ₹ 2,00,000. He states that he did not save any money for his personal welfare, believing that his family would care for him in the future. The Respondent further asserts that he has been living with his wife and two children and he is having no place to go now.

22. While the Respondent categorically denies the Petitioner's claims, he also expresses his willingness to provide maintenance and support for her medical expenses. However, he insists that she must reside with him to receive such care.

#### **TRIBUNALS OBSERVATION AND ORDER**

23. This Tribunal observes that, as on date, there are two parcels of Kudiyiruppu Patta land under the possession and enjoyment of Petitioner's family referred herein as site A and site B and the details are mentioned below:

##### **Site A**

This land with an extent of 00-02-25 H.A.Ca. bearing survey No. 54/5W of Keezhavoor Revenue Village was initially assigned to Tmt. Govindammal, wife of Nadesa Padaiyatchi *vide* Kudiyiruppu Patta (shortly referred as K-Patta) under Kudiyiruppu Act on 13-03-1984. Aforesaid Tmt. Govindammal was the wife of the elder Father-in-law of the Petitioner. After the demise of Tmt. Govindammal, K-Patta of the said land was transferred to Thiru Rajamanickam, son of Gothandapani *vide*

proceedings, dated 25-02-1986 of the Authorized Officer. Subsequently, Thiru Rajamanickam expired and the K-patta of the said land was transferred to Tmt. Dhanalakshmi (Petitioner), wife of Rajamanickam *vide* proceedings, dated 12-02-2002 of the Authorized Officer. As such, the patta of the Site A currently stands registered in the name of the Petitioner.

#### Site B

This land with an extent of 00-02-82 H.A.Ca. bearing Survey No. 54/5X of Keezhavoor Revenue Village was initially assigned to Thiru Gothandapani, son of Marimuthu. After the demise of said Thiru Gothandapani the patta of the Site B was transferred to his wife Tmt. Nagammal, wife of Gothandapani *vide* proceedings, dated 31-03-1987 of the Authorized Officer and stands registered in the said Tmt. Nagammal as on date. Tmt. Nagammal is the Mother-in-law of the Petitioner.

24. This Tribunal observes that, the petition mentioned RCC house named "Dhanalakshmi Illam" is present in Site A which stands registered in the name of the Petitioner. Further, the adjacent land Site B which stands registered in the name of Tmt. Nagammal is also under the possession and enjoyment of Petitioner and a hut dwelling is present in it.

25. Ultimately as on date, the Patta of the land earmarked as "Site A" in which the petition mentioned RCC house is present, stands registered in the name of the Petitioner, Tmt. Dhanalakshmi. As the rightful owner, the Petitioner possesses absolute authority over the property, including the right to reside there and to decide who may enter or stay on the premises. The Respondent, Thiru Vadivelan, despite being her son, has no legal claim to the property and cannot interfere with the Petitioner's peaceful possession in any manner. The Tribunal also notes that a prior attempt to facilitate the cohabitation of Petitioner and Respondent in the same house failed within a day and it demonstrated that, cohabitation of aforesaid parties is no longer a viable option in this case.

26. The Petitioner repeatedly submitted that, she has suffered harassment, physical and mental abuse at the hands of the Respondent. Although the Respondent denies these accusations, the registration of FIR previously against him underscores the necessity of ensuring the Petitioner's protection from harm or mistreatment by the Respondent.

27. The issue concerning the ownership of the rentable cooking vessels falls outside the jurisdiction of this Tribunal, as it is beyond the scope of the Act. Likewise, matters related to the possession and enjoyment of "Site B" is also beyond this Tribunal's purview, and therefore, no intervention can be made in this regard.

28. In her initial petition, dated 02-05-2023, the Petitioner alleged that the Respondent entered into a relationship with another woman and introduced her to the family. However, in her petition, dated 01-03-2023, addressed to the Inspector of Police, Thirunallar Police Station, she stated that she had arranged and conducted the Respondent's marriage with Tmt. Abirami from Mangaimadam and spent ₹ 3,00,000 on the wedding expenses. This Tribunal has noted said inconsistency in the Petitioner's submission.

**ORDER**

After considering the submissions of the parties and the facts on record, the following order is passed:

29. The Hon'ble Supreme Court in its order, dated 02-01-2025 in Civil Appeal No. 10927 of 2024 (Urmila Dixit vs. Sunil Sharan Dixit and Ors.) held that, Tribunals under the MWPSA Act may order eviction, if, it is necessary and expedient to ensure the protection of the senior citizen. In light of the above, considering the circumstances of this case, the Petitioner's request for the eviction of the Respondent from "Site A" is hereby granted to safeguard her fundamental need for shelter and to ensure her protection. Accordingly, the Respondent is directed to vacate the RCC house situated in the land bearing Survey No. 54/5W of Keezhavoor Revenue Village within 30 days of receipt of this order. After vacating the said house, the Respondent shall hand over its keys of the said house to the Petitioner and file a compliance report in this regard before this Tribunal. In the event of any obstruction to the Petitioner's re-entry into the property, the Tahsildar, Thirunallar Taluk and the Station House Officer, Thirunallar Police Station shall provide the necessary assistance to evict the respondent and restore the possession of the house to the petitioner.

30. The Respondent and his wife are advised to refrain from making any threats or creating a hostile environment. In case any such behaviour occurs, the Petitioner shall report it to the concerned Police Station for appropriate action and the Police Department shall ensure the necessary protection of the Petitioner under section 20 of the "The Puducherry Maintenance and Welfare of Parents and Senior Citizens Rules, 2011".

31. Any violation of this order will be treated as wilful disobedience of the Order of this Tribunal and such violations will attract penal provisions as per law.

Typed to my dictation, corrected and pronounced by me on this 24th day of March 2025.

**ARJUN RAMAKRISHNAN,**  
Presiding Officer (Tribunal-III)-cum-  
Subdivisional Magistrate,  
Karaikal.