



W.P.No.8741 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 02.07.2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.8741 of 2022
and
W.M.P.Nos.8649 & 8653 of 2022

Elumalai
S/o.Subramaniam

... Petitioner

vs.

1. The Revenue Divisional Officer-cum-
First Class Executive Magistrate
Kallakurichi Revenue Division
Kallakurichi Town and District.
2. Subramanian
S/o.Murugesan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorari, to call for the records on the file of the 1st respondent in Na.Ka.No.A6/3431/2021 dated 27.12.2021 and to quash the same as illegal, incompetent and without jurisdiction.

For Petitioner : Mr.Avinash Wadhwarni
for Ms.V.Srimathi
For Respondent : Mr.M.Sivavarthan
Government Counsel, for R1
R2 – No appearance

Page Nos.1/6



W.P.No.8741 of 2022

WEB COPY

ORDER

The petitioner has challenged the order dated 27.12.2021 passed by the first respondent, whereby the Settlement Deed dated 09.11.2020 executed by the second respondent in favour of the petitioner was declared void and cancelled in exercise of powers under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

2. The petitioner is the son of the second respondent. According to the petitioner, the second respondent voluntarily executed the Settlement Deed dated 09.11.2020 in his favour, conveying certain immovable properties. Subsequently, the second respondent initiated proceedings under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, contending that the petitioner had failed to provide him with physical care and basic amenities and, therefore, sought cancellation of the settlement deed.

3. After issuing notice and affording an opportunity of hearing to the petitioner, the first respondent passed the impugned order holding that the petitioner had neglected to provide physical care and basic amenities to the second respondent and consequently, cancelled the Settlement Deed.

Page Nos.2/6



W.P.No.8741 of 2022

4. Heard the learned counsel appearing for the petitioner and the learned Government Counsel appearing for the first respondent.

5. A perusal of the Settlement Deed, which is in the vernacular language and was translated before this Court by the learned counsel for the petitioner and the learned Government Counsel, reveals that it does not contain any clause obligating the petitioner to provide physical care or basic amenities to the second respondent as a condition for the transfer of the property.

6. Learned counsel for the petitioner placed reliance upon the Full Bench decision of this Court in *Sasikala v. Revenue Divisional Officer*, reported in **2022 SCC OnLine Mad 4343** wherein it was held that, in the absence of a condition in the gift deed requiring the transferee to provide basic amenities and physical needs to the transferor, the provisions of Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 cannot be invoked to cancel the transfer.

7. Reliance was also placed on the decision of the Hon'ble Supreme Court in *Sudesh Chhikara v. Ramti Devi* reported in **(2024) 14 SCC 225**,



W.P.No.8741 of 2022

wherein it was held that the existence of a condition requiring the transferee to provide the transferor-senior citizen with basic amenities and physical needs is the *sine qua non* for the applicability of Section 23(1) of the Act.

8. In the light of the aforesaid authoritative pronouncements, and in the absence of any condition in the Settlement Deed requiring the petitioner to provide physical care and basic amenities to the second respondent, the impugned order passed by the first respondent cannot be sustained in law and is liable to be set aside.

9. Accordingly, the writ petition is allowed and the impugned order dated 27.12.2021 is set aside. However, having regard to the relationship between the parties and the fact that the petitioner has obtained the immovable properties of the second respondent under the Settlement Deed, this Court deems it appropriate to direct the petitioner to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) per month towards the maintenance of the second respondent with effect from 01.08.2026, during his lifetime, without prejudice to any other statutory rights available to the second respondent.



W.P.No.8741 of 2022

WEB COPY

10. Consequently, the connected miscellaneous petitions are closed.

No costs.

02.07.2026

Speaking / Non-speaking order

Neutral Citation : Yes / No

Index : Yes / No

mk

To

The Revenue Divisional Officer-cum-
First Class Executive Magistrate
Kallakurichi Revenue Division
Kallakurichi Town and District.

Page Nos.5/6



WEB COPY



W.P.No.8741 of 2022

HEMANT CHANDANGOUDAR, J.,

mk

W.P.No.8741 of 2022

02.07.2026

Page Nos.**6/6**