



W.A.No.843 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

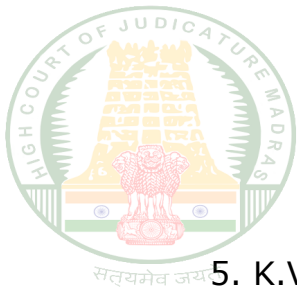
W.A.No.843 of 2026
and CMP No. 8785 of 2026

K.Sridevi
W/o.Nagaraj,
Res. at No.27, Kulakarai 1st Street,
West Tambaram,
Kancheepuram - 600 045.

Appellant(s)

Vs

1. The District Magistrate and
District Collector
Collectorate, GST Road,
Chengalpet - 603 001.
2. The Revenue Divisional Officer
Kadaperi, Tambaram,
Chennai - 600 045.
3. The Thasildar
NH 32, Chitlapakkam,
Tambaram West, Tambaram,
Chennai - 600 045.
4. The Sub Registrar
No.36 Bharathamatha Salai
(Opp to Railway Quarters),
Ruby Mansion, East Tambaram,
Selaiyur - 600 073



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5. K.Vijayalakshmi
W/o.T.Hobert, No.19, Well Street,
Ethirajapuram, West Tambaram,
Chennai 600 045.

K.Rathnakumari (Deceased)
(Cause-title accepted vide order dated
6.8.2025 made in CMP No.11758/2025)

Respondent(s)

PRAYER: Appeal filed under Clause 15 of the Letters Patent to set aside
the order dated 07.08.2024 passed by the learned Single Judge in
W.P.No.1739 of 2022.

For Appellant(s): Mr.A.K.Sriram
Senior Counsel
for Mr.M.Ganesan

For Respondent(s): Mr.Mohammed Fayaz Ali
Government Pleader
for R1 to R4

Mr.Ravikumar Paul
for M/s.Paul and Paul
for R5

JUDGMENT
(Delivered by the Hon'ble Chief Justice)

This appeal is filed against an order dated 7.8.2024 passed in
W.P.No.1739 of 2022.

2.1. The dispute concerns residential property measuring



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3,488 sq. ft. situated at Madambakkam Village, Chennai, originally purchased in 1982 by the late K.Rathnakumari (the deceased senior citizen/fifth respondent in the writ petition) out of her self-acquired funds.

2.2. In 2002, K.Rathnakumari executed a settlement deed in favor of her unmarried spinster daughter, K.Chandravathy. Subsequently, a portion of the property was sold in 2009 to construct residential units. Later, Chandravathy liquidated her self-acquired flat in Kodambakkam for approximately Rs.70,00,000/- to construct additional portions on the Madambakkam land to ensure rental income for herself and her elderly mother.

2.3. In October 2017, under the pretext of obtaining a bank loan for further property development, the fifth respondent and her spouse induced the elderly matriarch and her daughter to execute two consecutive settlement deeds within 48 hours: (i) On 09.10.2017, Chandravathy transferred the property back to her mother, Rathnakumari; and (ii) On 11.10.2017, Rathnakumari settled the entire property in favor of her granddaughter,



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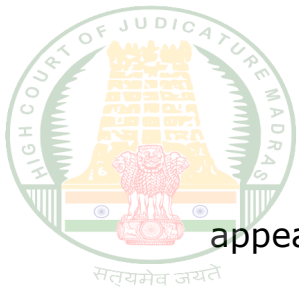
K.Vijayalakshmi (writ petitioner/fifth respondent herein).

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2.4. Following the execution of the settlement deed, the fifth respondent failed to provide care, physical support or financial maintenance to the senior citizen. Left destitute, Rathnakumari filed an application under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

2.5. By order dated 19.08.2021, the second respondent/ Revenue Divisional Officer cancelled the Settlement Deed. The District Collector/first respondent, by order dated 16.12.2021, affirmed the order of cancellation.

2.6. The fifth respondent challenged these administrative orders in W.P.No.1739 of 2022. During the pendency of the writ petition, the senior citizen, Rathnakumari, passed away on 15.05.2023. An interim application was filed to bring her legal heirs on record, but the application was not ordered and was instead closed by the learned Single Judge vide the order impugned dated 07.08.2024, which set aside the cancellation orders. Hence, this



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appeal.

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3. Learned Senior Counsel appearing for the appellant made the following submissions:

(a) The senior citizen (fifth respondent in the writ petition) died on 15.05.2023, well before the final order was passed in the writ petition on 07.08.2024. Although an interim application was moved to bring her legal heirs on record, the court did not pass orders on it and closed it alongside the main writ petition. A court loses jurisdiction to pass an adverse order against a deceased party without bringing her legal representatives on record.

(b) Section 16(1) of the Act mandates that only a senior citizen or a parent can prefer an appeal before the Appellate Tribunal against an order passed by the original authority. In the present case, the granddaughter/writ petitioner (fifth respondent herein), who is neither a senior citizen nor a parent



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in the context of the *lis*, preferred an appeal before the District Collector/Appellate Authority. Such an appeal was legally not maintainable. The Appellate Authority, while rejecting the claim of the fifth respondent, failed to evaluate this foundational threshold of maintainability. In support of the said submission, reliance is placed on a Division Bench decision of this court in *K.Raju v. Union of India*, 2021 SCC OnLine Mad 746.

4. Learned counsel for the fifth respondent acknowledged that the application seeking impleadment of the legal heirs of the deceased senior citizen was closed and not formally ordered by the learned Single Judge.

5. It is an established principle of law that an order passed for or against a dead person without bringing the legal representatives on record is a nullity. Admittedly, the senior citizen passed away on 15.05.2023. The application to bring her legal representatives on record ought to have been allowed to afford her legal heirs a fair



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hearing before disposing of the writ petition. Closing the impleadment application while setting aside orders passed in favor of the deceased senior citizen vitiates the proceedings.

6. Furthermore, as held by the Division Bench of this Court in *K.Raju* (supra), under Section 16(1) of the Act of 2007, the right to prefer an appeal against an order of the second respondent is exclusively restricted to a "*senior citizen or a parent*". An appeal is a statutory creation and courts cannot read additional words into Section 16 of the Act to extend an appellate remedy to children or relatives. Since the writ petitioner/fifth respondent herein is the granddaughter, the appeal filed by her before the first respondent/Appellate Authority was not maintainable.

7. As a sequel, the nature of the order challenged in the writ petition requires complete re-examination on merits after properly substituting the legal heirs.

8. In the light of the above findings and legal position, the writ appeal is allowed. The order dated 07.08.2024 passed in



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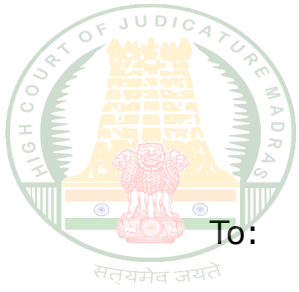
W.P.No.1739 of 2022 is hereby set aside. W.P.No.1739 of 2022 and all connected interim applications (including the application to bring on record the legal heirs of the deceased fifth respondent therein) are restored to file.

9. The learned Single Judge is requested to decide the writ petition afresh on merits after formally ordering the impleadment application to bring on record the legal representatives of the deceased senior citizen (fifth respondent in the writ petition); and affording a fair opportunity of hearing to all parties, including the appellant herein.

There shall be no order as to costs. Consequently, connected interim application stands closed.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)
22.07.2026

Index : Yes/No
Neutral Citation : Yes/No
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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(sasi)

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