



W.P.No.10546 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 23.07.2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.10546 of 2023
and
W.M.P.Nos.10488, 10489 & 10490 of 2023

Padmavathy
W/o.Murugesan

... Petitioner

VS.

1. The District Collector
Tiruppur District, Tiruppur.
2. The Revenue Divisional Officer
Udumalaipettai,
Tiruppur District.
3. Valliyammal
W/o.Ramasamy

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying a writ of Certiorari, to call for the records relating to the proceedings of the 2nd respondent herein in Mu.Mu.No.3070/2022/A1, dated 01.09.2022 and quash the same.



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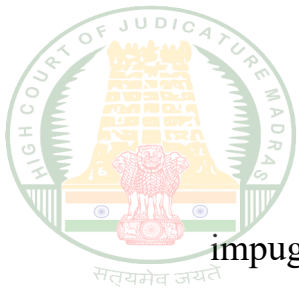
For Petitioner : Mr.S.Lakshmanasamy
For Respondents : Mr.M.Sivavarthanan
Government Counsel, for R1 & R2
M.M.Dinesh Sharma, for R3

ORDER

The petitioner challenges the order dated 01.09.2022 passed by the second respondent cancelling the settlement deed dated 19.04.2017 executed by the third respondent in her favour.

2. The petitioner is the daughter of the third respondent. Out of love and affection, the third respondent executed a settlement deed dated 19.04.2017 in favour of the petitioner in respect of a property measuring one cent at Door No.20, Ramaswamy Nagar, Udumalaipettai.

3. The third respondent filed an application under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, seeking cancellation of the settlement deed on the ground that the petitioner had failed to provide her with basic amenities and physical needs. The second respondent allowed the application and cancelled the settlement deed by the



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impugned order.

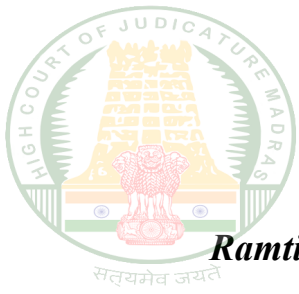
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4. The learned counsel for the third respondent submitted that the petitioner had neglected to maintain her mother and, therefore, the cancellation of the settlement deed was justified. It was also submitted that the third respondent is about 75 years old, has no independent means of livelihood or shelter, and is therefore entitled to restoration of the property.

5. Heard the learned counsel on either side.

6. It is not in dispute that the third respondent has two sons and has executed settlement deeds in their favour in respect of her other properties. It is also not disputed that the petitioner is a widow, has a disabled child, has no independent source of income, and owns no other property except the one covered by the settlement deed. It is further admitted that the settlement deed does not contain any clause requiring the petitioner to maintain the third respondent or provide her with basic amenities and physical needs.

7. A Division Bench of this Court, in ***R. Muniyammal v. District Collector/Appellate Tribunal (W.A. No.935 of 2025, dated 28.04.2025)***, relying on the decision of the Hon'ble Supreme Court in ***Sudesh Chhikara v.***



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Ramti Devi, held that the condition to maintain a senior citizen under Section 23(1) of the Act may be implied and need not be expressly stated in the settlement deed. Since the settlement deed in that case was executed by a mother in favour of her son out of love and affection, the Division Bench held that an implied obligation to maintain the mother was sufficient to attract Section 23(1).

8. Subsequently, a coordinate Bench of this Court, in **Karuppan v. District Magistrate-cum-District Collector (W.P. No.4540 of 2022, dated 19.06.2025)**, examined the issue in the light of the judgments of the Hon'ble Supreme Court and held that Section 23(1) requires the transfer to be subject to a specific condition that the transferee shall provide the transferor with basic amenities and physical needs. Such a condition cannot be presumed or implied.

9. The coordinate Bench analysed the decisions of the Hon'ble Supreme Court in **S. Vanitha v. Deputy Commissioner, Sudesh Chhikara v. Ramti Devi, and Urmila Dixit v. Sunil Sharan Dixit**, and held that none of these decisions dispense with the requirement of an express condition. It pointed out that in **Urmila Dixit**, the obligation to maintain the donor was



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expressly recorded in the gift deed and the accompanying promissory note.

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10. The coordinate Bench also disagreed with the view that love and affection can be treated as an implied condition. It held that while love and affection may be the reason for executing a settlement deed, they cannot replace the statutory requirement under Section 23(1). The Court further observed that it is not open to the Court to rewrite the provision by introducing the concept of an implied condition where the statute requires a specific condition.

11. The coordinate Bench also considered the later Division Bench decisions which accepted the theory of implied conditions and held that they were inconsistent with the earlier binding decisions of the Division Bench and the Hon'ble Supreme Court. Applying the settled principles governing precedents, it held that the earlier judgments and the decisions of the Hon'ble Supreme Court must prevail.

12. Accordingly, the coordinate Bench held that where the settlement deed does not contain a specific condition requiring the transferee to maintain the transferor, proceedings under Section 23(1) of the Act are not



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maintainable and the settlement deed cannot be cancelled merely because the transferor alleges neglect.

13. In the present case, the settlement deed does not contain any clause requiring the petitioner to provide the third respondent with basic amenities or physical needs. Such a condition is a mandatory requirement for invoking Section 23(1) of the Act. In its absence, the impugned order cancelling the settlement deed cannot be sustained.

14. Accordingly, the writ petition is allowed and the order dated 01.09.2022 passed by the second respondent is set aside. Consequently, the connected miscellaneous petitions are closed. There shall be no order as to costs.

23.07.2026

Speaking / Non-speaking order

Neutral Citation : Yes / No

Index : Yes / No

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To

1. The District Collector
Tiruppur District, Tiruppur.
2. The Revenue Divisional Officer
Udumalaipettai,
Tiruppur District.

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HEMANT CHANDANGOUDAR, J.,

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