



W.P(MD)Nos.2258 of 2021 & 7897 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)Nos.2258 of 2021 & 7897 of 2023

and

W.M.P(MD)Nos.1881 of 2021 & 13757 of 2023

1.W.P(MD)No.2258 of 2021:

Muthukumar

... Petitioner

Vs

1.The Revenue Divisional Officer,
Iluppur, Pudukkottai District.

2.Rajappa

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records of the impugned order dated 08.01.2021 passed in Pa.Mu.No.221/2020/A4 on the file of the first respondent cancelling the settlement deed dated 23.11.2017.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mrs.K.R.Shiva Shankari (R1)
counsel for State



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: Mr.K.Sheenivasan (R2)
for Mr.P.Ganapathi Subramanian

2.W.P(MD)No.7897 of 2023:

Rajappa

... Petitioner

Vs

1.The District Collector,
Pudukkottai.

2.The District Revenue Officer,
Pudukkottai.

3.The Revenue Divisional Officer,
Illupur Post and Taluk,
Pudukkottai District.

4.The Tahsildar,
Kulathur Post and Taluk,
Pudukkottai District.

5.Muthukumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents No.3 and 4 to transfer the patta for the petitioner's properties in Odugampatty Village, Kulathur Taluk, Pudukkottai District from the name of the fifth respondent to petitioner's name.



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For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mrs.K.R.Shiva Shankari (R1 to R4)
counsel for State

: Mr.M.Rajarajan (R5)

COMMON ORDER

W.P.(MD)No.2258 of 2021 has been filed challenging the proceedings of the first respondent dated 08.01.2021, whereby the settlement deed dated 23.11.2017 was cancelled.

2.W.P.(MD)No.7897 of 2023 has been filed seeking the issuance of a Writ of Mandamus directing respondent Nos.3 and 4 to transfer the patta in respect of the petitioner's properties situated at Odugampatty Village, Kulathur Taluk, Pudukkottai District, from the name of the fifth respondent to the name of the petitioner.

3.Since the issues involved in both the Writ Petitions arise out of the same set of facts and the parties are common, both the Writ Petitions are



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taken up together and are disposed of by this common order.

4.The learned counsel appearing for the petitioner in W.P.(MD) No.2258 of 2021 submitted that the petitioner's father executed an irrevocable settlement deed in his favour on 23.11.2017, registered as Document No.3215 of 2017 on the file of the Sub-Registrar, Kulathur. Thereafter, on 10.02.2020, the second respondent/father preferred a complaint before the Revenue Divisional Officer under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Since no orders were passed on the said complaint, the second respondent approached this Court by filing W.P.(MD)No.11940 of 2020. By order dated 17.09.2020, this Court directed the first respondent to consider the complaint and pass appropriate orders. Pursuant thereto, an enquiry was conducted and, by proceedings dated 08.01.2021, the first respondent cancelled the settlement deed dated 23.11.2017. Aggrieved by the same, W.P.(MD) No.2258 of 2021 has been filed.



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5.The learned counsel further submitted that the authorities functioning under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, derive jurisdiction under Section 23 of the Act only in cases where a transfer by way of gift or settlement is made subject to a condition that the transferee shall provide the transferor with basic amenities and basic physical needs. In the present case, the settlement deed does not contain any such condition. Therefore, Section 23 of the Act has no application and the first respondent lacked jurisdiction to entertain the complaint or direct cancellation of the settlement deed.

6.Placing reliance upon the decision of the Hon'ble Full Bench of this Court in *Sasikala v. Revenue Divisional Officer and another*, reported in **2022 SCC OnLine Mad 4343**, the learned counsel submitted that it has been categorically held that, in the absence of a condition incorporated in the settlement deed requiring the transferee to maintain the transferor, the power under Section 23(1) of the Act cannot be invoked. It was further held



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that a duly executed settlement deed cannot be cancelled unilaterally. Hence, the impugned order dated 08.01.2021 is wholly without jurisdiction and liable to be set aside.

7. Heard the learned counsel appearing on either side and perused the materials available on record.

8. The issue involved in W.P.(MD) No.2258 of 2021 is no longer res integra. The Hon'ble Full Bench of this Court in ***Sasikala v. Revenue Divisional Officer and another***, reported in ***2022 SCC OnLine Mad 4343***, has categorically held that a settlement deed cannot be annulled under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, unless the transfer is subject to a condition requiring the transferee to provide the transferor with basic amenities and basic physical needs. The relevant observations are extracted hereunder:



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"46. The writ petition in W.P.(MD) No.6889 of 2020 is filed by the daughter of the second respondent to quash the order passed by the first respondent under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The gift deed executed by the second respondent in favour of the writ petitioner was unilaterally cancelled by the second respondent/father. The settlement deed dated 06.03.2015 is irrevocable and has been executed out of love and affection. The second respondent has specifically stated that he has no right to revoke the settlement deed. From the recitals, the settlement does not attract Section 126 of the Transfer of Property Act. The settlor has not imposed any condition requiring the transferee to provide basic amenities or physical needs. Therefore, there is no scope for invoking the power under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Consequently, the impugned order is liable to be quashed..."

[Emphasis supplied]



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9. In the light of the law laid down by the Hon'ble Full Bench in Sasikala (supra), the impugned proceedings dated 08.01.2021 passed by the first respondent cannot be sustained and are liable to be set aside.

10. Accordingly, the impugned proceedings dated 08.01.2021 passed by the first respondent are set aside and W.P.(MD) No.2258 of 2021 stands allowed.

11. Insofar as W.P.(MD) No.7897 of 2023 is concerned, though the petitioner/father seeks a direction for transfer of patta from the name of the fifth respondent/son to his name, this Court is of the view that the dispute between the parties arises out of a strained relationship between a father and his son. Having regard to the admitted relationship and with a view to securing the welfare of the father, this Court deems it appropriate to direct the petitioner in W.P.(MD) No.2258 of 2021, without prejudice to his rights under the settlement deed, to pay a sum of Rs.20,000/- (Rupees



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Twenty Thousand only) per month towards the maintenance of the second respondent/father. The said amount shall be paid on or before the 7th day of every English calendar month, commencing from the month succeeding the date of receipt of a copy of this order. It is open to the second respondent/father to work out his remedy in the manner known to law in the event of any default.

12.In view of the above directions, W.P.(MD) No.7897 of 2023 stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

21.07.2026

NCC : Yes / No
Index : Yes / No
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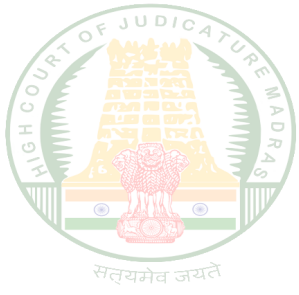


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To

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Pudukkottai.
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M.DHANDAPANI, J.

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