

W.P(MD)No.4290 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.4290 of 2023

and

W.M.P(MD)Nos.4057, 4061 & 4063 of 2023

Shankar Ganesh

... Petitioner

Vs

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Aruppukottai, Virudhunagar.

3.The Inspector of Police,
Aruppukottai Town Police Station,
Aruppukottai.

4.Rajeswari

... 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 of the first respondent in Na.Ka.No.C4/46522/2022 dated 20.02.2023 confirming



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the order of the second respondent in Muu.Mu.A2/O.P.No.7/2022 dated 17.11.2022 and quash the same.

For Petitioner : Mr.S.Selva Aditya

For Respondents : Mr.R.Ramasamy (R1 & R2)
counsel for State

: Mr.R.J.Karthik (R4)

ORDER

This Writ Petition has been filed challenging the order dated 20.02.2023 passed by the first respondent in Na.Ka.No.C4/46522/2022 confirming the order dated 17.11.2022 passed by the second respondent in Muu.Mu.A2/O.P.No.7/2022, and seeking to quash the same.

2.Learned counsel appearing for the petitioner submitted that the fourth respondent, who is the petitioner's mother, was the absolute owner of the subject property by virtue of a registered Sale Deed dated 30.07.1985. Out of love and affection, she executed a registered Settlement Deed dated 04.03.2022 in favour of the petitioner. Pursuant thereto, the petitioner took



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possession of the property, spent substantial amounts towards renovation of the house and also contributed towards the maintenance of his parents. Subsequently, owing to disputes that arose between the parties, the fourth respondent initiated proceedings under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, seeking cancellation of the Settlement Deed. The second respondent, by order dated 17.11.2022, ordered for cancelling the Settlement Deed. The appeal preferred by the petitioner came to be rejected by the first respondent on the ground that an appeal under Section 16 of the Act is maintainable only at the instance of a parent or senior citizen. Aggrieved by the said orders, the petitioner has filed the present Writ Petition.

3.The learned counsel for State appearing for the official respondents submitted that the dispute may be decided in the light of the settled legal position governing cancellation of settlement deeds under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, and left the matter to the discretion of this Court.



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4.The issue involved in the present Writ Petition 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 cancelled 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 as follows:

"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 stated to have been executed by the second respondent, dated 06.03.2015 is irrevocable and it is a deed of settlement out of love and affection. The second respondent has specifically stated that he has no right to



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revoke the settlement deed. From the recitals, the settlement does not attract Section 126 of Tamil Nadu Property Act. It is seen that the settlor viz., the second respondent, has not put any condition. In other words, the gift deed is not subject to any condition or terms that the transferor shall provide the basic amenities and basic physical needs to the second respondent. In such circumstances, this Court is of the view that there is no scope for invoking the power provided to the second respondent under Section 23 of the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Therefore, the order impugned is liable to be quashed. Even though we agree that the writ petition can be allowed, this Court is unable to decide the writ petition in this batch where question referred to us is different. Hence, the writ petition in W.P. (MD) No. 6889 of 2020 is de-linked and the Registry is directed to list the matter before the appropriate Bench.”

[Emphasis supplied]"

5.Further, the Division Bench of this Court in ***M.M. Ramesh v. M.S. Manikavasagam and another***, reported in **2026 (2) CTC 513**, has held that the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, operate prospectively and cannot be given retrospective



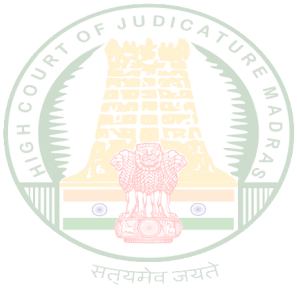
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6.Heard the learned counsel appearing on either side and perused the materials placed on record.

7.In the present case, the Settlement Deed dated 04.03.2022 is an absolute and irrevocable settlement deed. A perusal of its recitals shows that it does not contain any clause obligating the petitioner to maintain the fourth respondent, nor does it reserve any right in favour of the fourth respondent to revoke or cancel the settlement in the event of non-maintenance. In the absence of such a condition, the authorities functioning under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, have no jurisdiction to annul the registered Settlement Deed by invoking Section 23 of the Act.

8.In view of the law laid down by the Hon'ble Full Bench in ***Sasikala (supra)***, the impugned orders passed by the respondents cannot be



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sustained and are liable to be set aside. However, setting aside the order of cancellation does not absolve the petitioner of his statutory and moral obligation to maintain his aged mother.

9.Considering the relationship between the parties and the fact that the fourth respondent is a senior citizen, this Court directs the petitioner to pay a sum of Rs.5,000/- (Rupees Five Thousand only) per month towards the maintenance of the fourth respondent. The said amount shall be paid on or before the 7th day of every English calendar month, commencing from the succeeding month.

10.However, liberty is granted to the fourth respondent/senior citizen to work out her remedy in the manner known to law, if she is so advised.

11.Accordingly, the impugned order dated 20.02.2023 passed by



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the first respondent and the order dated 17.11.2022 passed by the second respondent are set aside. The Writ Petition is allowed with the above directions. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

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NCC : Yes / No
Index : Yes / No
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To

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Aruppukottai, Virudhunagar.

3.The Inspector of Police,
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M.DHANDAPANI, J.

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