



W.P(MD)No.5294 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.5294 of 2022

and

WMP (MD) Nos.4307 & 4308 of 2022

Poosai Pandian

... Petitioner(s)

vs.

1. The District Collector / Appellate Authority,
the Maintenance and
Welfare of Parents and Senior Citizens Act,
Tenkasi District, Tenkasi.

2. The Presiding Officer / Revenue Divisional Officer,
Sub- Divisional Tribunal,
the Maintenance and Welfare of Parents and Senior
Citizens Act,
Tenkasi Revenue Division,
Tenkasi.



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3. The District Registrar,
Tenkasi Registration District,
Tenkasi.

4. The Sub - Registrar,
Puliyangudi, Tenkasi District.

5. Latchumithai

... Respondent(s)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, by calling for the records, pertaining to the order of the 1st respondent vide Na.Ka.No.K3/16947/2021, dated 07.01.2022, which is cancelling the registered sale deed, executed by 5th respondent in favour of this petitioner, in the 4th respondent office, registered in Book No.1, as sale deed 3123, dated 10.11.2012, with respect to the property of 5 cents of Punjai lands in S.No.23/1C, in Thalaivankottai Village in Kadayanallur Taluk in Tenkasi District.

For Petitioner : Mr.F.X.Eugene

For R1 to R4 : Mr.R.Ramasamy, Counsel for State

For R5 : Mr.K.Prabhu



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ORDER

Aggrieved by the cancellation order dated 07.01.2022 passed by the first respondent, whereby the registered sale deed executed by the fifth respondent in favour of the petitioner was cancelled, the petitioner has filed the present writ petition challenging the said order.

2. The learned counsel appearing for the petitioner would submit that the petitioner is the son of the fifth respondent. The fifth respondent executed a registered Sale Deed dated 10.11.2012, vide Document No.3213 of 2012 on the file of the Sub-Registrar, Puliangudi, in favour of the petitioner in respect of the subject property. Subsequently, the fifth respondent made an application before the second respondent seeking cancellation of the said Sale Deed. The second respondent declined to cancel the document. Aggrieved by the said order, the fifth respondent preferred an appeal before the first respondent. The first respondent, by the impugned order dated 07.01.2022, observed that the petitioner had failed to comply with the direction to pay maintenance to the fifth respondent and consequently directed cancellation of the Sale Deed. Challenging the said order,



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the present writ petition has been filed before this Court.

3. The learned counsel for the petitioner would submit that the authorities under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, have jurisdiction under Section 23 only in respect of transfers by way of gift or settlement, where the transfer is subject to a condition that the transferee shall provide basic amenities and physical needs to the transferor. In the present case, the document in question is a Sale Deed and not a gift or settlement deed. Therefore, the provisions of Section 23 of the Act are wholly inapplicable and the first and second respondents had no jurisdiction to entertain the complaint or direct cancellation of the Sale Deed. Accordingly, he prayed for allowing the writ petition.

4. The learned Counsel for the State appearing for the respondents 1 to 4 would fairly submit that the registered Sale Deed dated 10.11.2012 does not contain any specific condition obligating the petitioner to provide basic amenities and physical needs to the fifth respondent. In the absence of such a condition incorporated in the document of transfer, the provisions of Section 23 of the



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Maintenance and Welfare of Parents and Senior Citizens Act, 2007, would not be attracted.

5. This Court has carefully considered the rival submissions and perused the materials placed on record.

6. The issue is no longer *res integra*. The Hon'ble Supreme Court in ***Sudesh Chhikara v. Ramti Devi and another***, reported in (2024) 14 SCC 225, has held that the deeming fiction under Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, can be invoked only when the transfer is made subject to the condition that the transferee shall provide the basic amenities and physical needs to the transferor and the transferee fails to fulfil such condition. Unless such a condition is expressly incorporated in the document of transfer, the jurisdiction under Section 23 cannot be exercised for declaring the transfer void. The Supreme Court further held that the authorities constituted under the Act cannot assume jurisdiction to annul a transfer in the absence of the statutory requirements contemplated under Section 23.

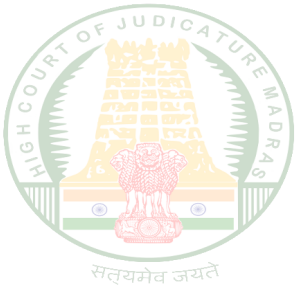


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7. Coming to the present case, admittedly, the document in question is a registered Sale Deed and there is no recital therein imposing any obligation upon the petitioner to provide basic amenities and physical needs to the fifth respondent. Therefore, the essential requirement for invoking Section 23 of the Act is absent. Consequently, the first respondent had no jurisdiction to direct cancellation of the registered Sale Deed by invoking the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Accordingly, the impugned order is liable to be set aside and the same is set aside.

8. However, it is brought to the notice of this Court that the petitioner has admitted his obligation to maintain the fifth respondent. Accordingly, while setting aside the impugned order, this Court directs the petitioner to pay a sum of Rs.1,500/- per month towards maintenance to the fifth respondent, on or before the 7th day of every English calendar month. The petitioner shall also clear the arrears of maintenance within a period of four weeks from the date of receipt of a copy of this order. If the petitioner commits default in payment of either the arrears or the future monthly maintenance, it is open to the fifth respondent to work out her remedy before the competent



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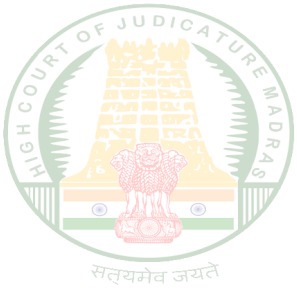
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authority under the Maintenance and Welfare of Parents and Senior Citizens Act, including seeking enforcement of the maintenance order, in accordance with law.

9. With the above observation and direction, this writ petition stands allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

09.07.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes
PKN



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M.DHANDAPANI,J.

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**ORDER MADE IN
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DATED : 09.07.2026