



W.P(MD)No.8115 of 2021`

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.8115 of 2021

and

W.M.P.(MD).Nos.6187, 6188 and 6191 of 2021

K.Baskaran

... Petitioner

Vs

- 1.The District Collector Cum Appellate Tribunal
for Maintenance and Welfare of Parents and Senior Citizens,
Collectorate, Madurai District.
- 2.The Revenue Divisional Officer Cum Tribunal
for Maintenance and Welfare of Parents and Senior Citizens,
Revenue Divisional Officer,
Melur Division, at Vellarippatti, Vellaripatti Post,
Melur Taluk,
Madurai District.
- 3.The Land Acquisition Officer,
National Highways,
Jothi Fertilizers Upstairs,
Melur, Madurai District.
- 4.The Land Acquisition Tahsildar,
Jothi Fertilizers Upstairs,
Melur, Madurai District.



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WEB COPY 5.Rekha

6.Dhanalakshmi

7.S.Balasubramanian @ Murugan

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for records pertaining to the impugned order passed by the second respondent vide his proceedings in Moo.Mu.No. 1167/2020/C dated 05.10.2020 and consequential impugned order passed by the 1st respondent vide his proceedings in Na.Ka No. C5/41446/2020 dated 12.02.2021 and to quash the same as illegal, arbitrary and against the well settled propositions of law and consequently to direct the seventh respondent to pay a sum of Rs.10,000/- as a monthly maintenance for the petitioner and to direct the respondent Nos.1 and 2 to cancel the registered settlement deed bearing No. 2707/1988 dated 02.12.1988 executed in favour of the seventh respondent thereby to disburse 1/4th share of compensation amount to the petitioner.

For Petitioner : Mr.A.K.Hemaraj

For R-1 to R-4 : Mr.R.Ramasamy,
Counsel for the State

For R-6 : No Appearance

For R-7 : Mr.T.K.Gopalan



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ORDER

This Writ Petition has been filed challenging the impugned order passed by the second respondent in Moo.Mu.No.1167/2020/C dated 05.10.2020 and the consequential order passed by the first respondent in Na.Ka.No.C5/41446/2020 dated 12.02.2021, seeking to quash the same as illegal, arbitrary and contrary to the settled principles of law, and consequently to direct the seventh respondent to pay a sum of Rs.10,000/- per month towards the petitioner's maintenance, to direct respondent Nos.1 and 2 to cancel the registered Settlement Deed bearing Document No.2707 of 1988 dated 02.12.1988 executed in favour of the seventh respondent, and consequently to disburse 1/4th share of the compensation amount to the petitioner.

2. Heard the learned counsel on either side.

3. Learned counsel appearing for the petitioner submitted that the petitioner was the absolute owner of the subject property. Out of love and affection, he executed a registered Settlement Deed dated 02.12.1988 in favour of the seventh respondent. Pursuant thereto, the seventh respondent took possession of the



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property and initially maintained the petitioner. Subsequently, disputes arose between the parties and the seventh respondent allegedly neglected to maintain the petitioner. Therefore, the petitioner invoked the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, by filing an application before the second respondent seeking cancellation of the Settlement Deed and grant of maintenance.

4. It is the further submission of the learned counsel for the petitioner that the second respondent, by proceedings dated 05.10.2020, directed the seventh respondent to pay a sum of Rs.2,000/- per month towards the petitioner's maintenance, but rejected the prayer for cancellation of the Settlement Deed. Aggrieved thereby, the petitioner preferred an appeal before the first respondent. The first respondent, by proceedings dated 12.02.2021, confirmed the order passed by the second respondent and dismissed the appeal. Challenging the said concurrent orders, the present writ petition has been filed.

5. Per contra, the learned counsel appearing for the seventh respondent submitted that the petitioner voluntarily executed an absolute and irrevocable



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Settlement Deed in favour of the seventh respondent on 02.12.1988. The Settlement Deed does not contain any stipulation obligating the seventh respondent to maintain the petitioner, nor does it reserve any right of revocation in favour of the petitioner. He further submitted that the Settlement Deed was executed nearly two decades prior to the coming into force of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Placing reliance upon the judgment of the Division Bench of this Court, the learned counsel contended that the provisions of the Act operate only prospectively and cannot be invoked to annul settlement deeds executed prior to the commencement of the Act. Therefore, the authorities were fully justified in rejecting the petitioner's request for cancellation of the Settlement Deed. He further submitted that though the second respondent fixed the maintenance at Rs.2,000/- per month, the seventh respondent has, on his own, been paying a sum of Rs.5,000/- per month towards the maintenance of the petitioner.

6. This Court has carefully considered the rival submissions made on either side and perused the materials available on record.



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WEB COPY 7. Admittedly, the Settlement Deed in question was executed on 02.12.1988. It is also not in dispute that the said document is an absolute settlement and does not contain any clause requiring the seventh respondent to maintain the petitioner or enabling the petitioner to revoke the settlement in the event of failure to provide maintenance. The authorities have concurrently held that the Settlement Deed cannot be cancelled under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

8. This Court finds no infirmity in the said conclusion. The Division Bench of this Court has consistently held that the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, cannot be applied retrospectively to invalidate settlement deeds executed prior to the commencement of the Act. Since the Settlement Deed in the present case was executed in the year 1988, the petitioner is not entitled to seek cancellation of the same by invoking the provisions of the said Act. Consequently, the challenge made to the impugned orders, insofar as they refuse cancellation of the Settlement Deed, deserves to be rejected.



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9. However, the petitioner is admittedly a senior citizen and is entitled to receive reasonable maintenance from his son. Though the second respondent fixed the maintenance at Rs.2,000/- per month, it is brought to the notice of this Court that the seventh respondent has been voluntarily paying a sum of Rs.5,000/- per month. Taking into consideration the present cost of living, the age and welfare of the petitioner, and the obligation of the seventh respondent to maintain his aged father, this Court is of the view that the maintenance amount requires enhancement.

10. Accordingly, while affirming the impugned orders insofar as they decline to cancel the Settlement Deed dated 02.12.1988, this Court directs the seventh respondent to pay a sum of Rs.7,500/- (Rupees Seven Thousand Five Hundred only) per month towards the maintenance of the petitioner. 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, and the seventh respondent shall continue to pay the same regularly so long as the petitioner is entitled to maintenance in accordance with law.



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WEB COPY 11. With the above direction, the Writ Petition stands disposed of. No costs.

Consequently, the connected miscellaneous petitions are closed.

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NCC : Yes / No
Index : Yes / No
TSG

To

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M.DHANDAPANI, J.

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