



W.P(MD)No.6625 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.6625 of 2024
and
W.M.P(MD)No.6184 of 2024

Poolpandian

... Petitioner

Vs

1.The Presiding Officer cum District Collector,
Maintenance and Welfare of Parents and Senior Citizen Tribunal,
Tirunelveli.

2.The Revenue Divisional Officer cum Sub Divisional Magistrate,
Maintenance and Welfare of Parents and Senior Citizen Tribunal,
Tirunelveli.

3.Bala Subramanian

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the entire records pertaining to the order passed by the 2nd respondent in Mu.Mu.A8/414/2022 dated 02.10.2022 as well as the order in appeal passed by the 1st respondent in COLTNV/2729/2023-C2 dated 09.10.2023 and quash the same in so far



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as the rejection of the petitioner's prayer with regard to the cancellation of the settlement deed executed in favour of the 3rd respondent vide Doc. No. 3931 of 2021 dated 23.06.2021 and consequently pass orders towards nullifying the same.

For Petitioner : Mr.R.Anand

For Respondents : Mr.M.Mahaboob Athiff (R1 & R2)
counsel for Government of Tamil Nadu

ORDER

This Writ Petition has been filed challenging the order passed by the second respondent dated 02.12.2022 and the appellate order passed by the first respondent dated 09.10.2023, insofar as they rejected the petitioner's request for cancellation of the settlement deed executed in favour of the third respondent, registered as Document No.3931 of 2021, dated 23.06.2021, and consequently seeking to declare the said settlement deed as null and void.

2.The learned counsel appearing for the petitioner submitted that the petitioner is the father of the third respondent. Out of love and affection, the petitioner executed a settlement deed dated 23.06.2021 in favour of the

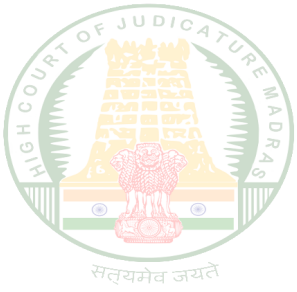


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third respondent. According to the petitioner, after execution of the settlement deed, the third respondent neglected and deserted him and failed to maintain him. Therefore, the petitioner submitted an application before the second respondent under Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, seeking cancellation of the settlement deed as well as an order directing the third respondent to pay maintenance.

3.The learned counsel further submitted that the second respondent, by proceedings dated 02.12.2022, rejected the petitioner's request for cancellation of the settlement deed on the ground that the settlement deed did not contain any condition obligating the third respondent to maintain the petitioner. However, the second respondent directed the third respondent to pay a sum of Rs.2,500/- per month towards the petitioner's maintenance. Aggrieved by the rejection of the prayer for cancellation, the petitioner preferred an appeal before the first respondent. The first respondent, by order dated 09.10.2023, confirmed the finding of the second



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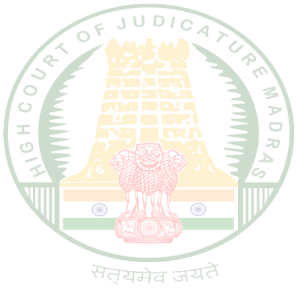
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respondent insofar as the refusal to cancel the settlement deed is concerned and enhanced the monthly maintenance payable by the third respondent from Rs.2,500/- to Rs.4,000/-. Challenging the said orders insofar as they declined to cancel the settlement deed, the present Writ Petition has been filed.

4.Heard the learned counsel appearing for the petitioner and the learned counsel for State appearing for respondents 1 and 2. Perused the materials available on record.

5.The issue that arises for consideration in the present Writ Petition is whether the authorities were justified in refusing to cancel the settlement deed under Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

6.It is not in dispute that the petitioner executed the settlement deed dated 23.06.2021 in favour of the third respondent. The grievance of the petitioner is that after execution of the settlement deed, the third



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respondent neglected and deserted him and failed to maintain him. On that basis, the petitioner sought cancellation of the settlement deed.

7.A perusal of the settlement deed reveals that it is an absolute settlement and does not contain any express recital imposing an obligation upon the third respondent to maintain the petitioner or provide him with basic amenities and physical needs. The authorities below have concurrently held that in the absence of such a condition, the settlement deed cannot be cancelled in exercise of the powers conferred under Section 23(1) of the Act.

8.The issue is no longer res integra. The Full Bench of this Court in ***Sasikala v. Revenue Divisional Officer and another***, reported in **2022 SCC OnLine Mad 4343**, after an elaborate consideration of the scope of Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, held that a transfer can be declared void only when it has been made subject to the condition that the transferee shall provide the transferor

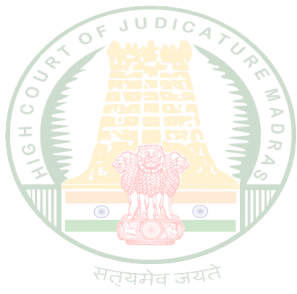


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with the basic amenities and physical needs and the transferee has failed to honour such condition. The Full Bench further held that where the transfer is absolute and unconditional and does not contain any such stipulation, the authorities constituted under the Act have no jurisdiction to cancel the document merely because the transferee has subsequently neglected to maintain the transferor. In such cases, the remedy of the senior citizen is to seek maintenance under the provisions of the Act or to avail any other remedy available in law.

9.In the present case, admittedly, the settlement deed does not contain any condition requiring the third respondent to maintain the petitioner. Therefore, the second respondent was justified in declining the petitioner's request for cancellation of the settlement deed. The appellate authority has also rightly confirmed the said finding. At the same time, taking note of the petitioner's entitlement to maintenance under the Act, the authorities have directed the third respondent to pay monthly maintenance, which has been enhanced by the appellate authority to Rs.4,000/- per month.



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10.This Court does not find any illegality, infirmity or perversity in the impugned orders warranting interference under Article 226 of the Constitution of India. The orders passed by the authorities are in consonance with the law laid down by the Full Bench of this Court in ***Sasikala v. Revenue Divisional Officer and another***, reported in ***2022 SCC OnLine Mad 4343***.

11.Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

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NCC : Yes / No
Index : Yes / No
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M.DHANDAPANI, J.

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