



W.P(MD)No.12758 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.12758 of 2023
and
WMP (MD) No.21517 of 2024

K.Menaka

... Petitioner(s)

vs.

1. The District Appellate Authority
(Senior Citizen) Cum District Collector,
Sivagangai District,
Sivagangai.

2. The Revenue Divisional Officer,
Sivagangai, Sivagangai District.

3. The Secretary,
District Social Welfare Officer Cum
Conciliation Officer,
Sivagangai District.

4. A.Amaravathi
5. A.Kalidass



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6. The Sub Registrar,
Kalaiyar Kovil,
Sivagangai District.
(R6 is impleaded vide Court order
dated 10.06.2026 in WMP (MD) No.6088 of 2026 in
WP(MD) No.12758 of 2023 by HCJ)

... Respondent(s)

PRAYER : Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari or any other Writ in the nature of direction calling for the records relating to the order dated 31.10.2019 passed in MU.MU.AA 1/542/2019 by the 2nd respondent herein and quash the same and thus render justice.(Prayer amended vide court order dated 10.06.2026 in WMP(MD)No.21518 of 2024 in WP(MD)No.12758 of 2023 by HCJ).

For Petitioner	: Mr.A.V.Arun
For R1 to R3	: Mr.R.Ramasamy, Counsel for State
For R4	: Mr.K.C.Ramalingam

ORDER

Aggrieved by the cancellation order dated 31.10.2019 passed by the second respondent, whereby the registered settlement deeds executed by the fourth respondent in favour of the petitioner's husband was cancelled, the petitioner has filed the present writ petition challenging the said order.



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2. The learned counsel appearing for the petitioner would submit that the petitioner is the daughter-in-law of the fourth respondent. The fourth respondent executed a registered settlement deed dated 16.07.2010, vide Document No.2941 of 2010 and on 27.09.2012 executed another settlement deed vide Document No.4380 of 2012 on the file of the Sub-Registrar, Kalayarkovil, in favour of the petitioner's husband in respect of the subject properties. Subsequently, the petitioner's husband executed a registered settlement deed to the petitioner vide Document No.1284 of 2013 on 22.03.2013. Owing to the strained relationship between the petitioner's husband and the fourth respondent, the fourth respondent submitted an application before the second respondent seeking cancellation of the said settlement deeds. The second respondent, by the impugned order dated 31.10.2019, observed that the petitioner had failed to take care of the fourth respondent and consequently directed cancellation of the settlement deeds. Challenging the said order, the present writ petition has been filed before this Court.



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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 the settlement deeds without any such conditional clause. Therefore, the provisions of Section 23 of the Act are wholly inapplicable and the second respondent has no jurisdiction to entertain the complaint or direct cancellation of the settlement deed.

4. Placing reliance upon the decision of the Hon'ble Full Bench in the case of ***Sasikala v. Revenue Divisional Officer and another*** reported in 2022 SCC online Mad 4343, the learned counsel submitted that, it was categorically held that in the absence of a condition incorporated in the deed, the power under Section 23(1) cannot be exercised and further held that when a settlement deed is executed, the same cannot be cancelled unilaterally. Therefore, the impugned order dated 20.01.2021 is wholly without jurisdiction and liable to be quashed.



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5. The learned Counsel for the State appearing for the respondents 1 to 3 would fairly submit that the registered settlement deeds does not contain any specific condition obligating the petitioner's husband to provide basic amenities and physical needs to the fourth respondent. In the absence of such a condition incorporated in the document of transfer, the provisions of Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, would not be attracted.

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

7. Admittedly, 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



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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.

8. Coming to the facts of the present case, admittedly, the document in question is a registered settlement deeds and there is no recital therein imposing any obligation upon the petitioner to provide basic amenities and physical needs to the fourth respondent. Therefore, the essential requirement for invoking Section 23 of the Act is absent. Consequently, the second respondent had no jurisdiction to direct cancellation of the registered settlement 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.

9. However, it is brought to the notice of this Court that the petitioner has admitted her obligation to maintain the fourth respondent.



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Accordingly, while setting aside the impugned order, this Court directs the petitioner to pay a sum of Rs.5,000/- per month towards maintenance to the fourth 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 fourth respondent to work out her remedy before the competent authority under the Maintenance and Welfare of Parents and Senior Citizens Act, including seeking enforcement of the maintenance order, in accordance with law.

10. With the above observation and direction, this writ petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

17.07.2026

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



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M.DHANDAPANI,J.

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**ORDER MADE IN
W.P(MD)No.12758 of 2023**

DATED : 17.07.2026