



W.P.(MD)No.13832 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.13832 of 2025

and

W.P.(MD)Nos.17635 & 17926 of 2025

Guruzh Thangapragasam

... Petitioner

-VS-

1.The District Collector,

O/o. The District Collectorate Building,
Dindigul.

2.The Revenue Divisional Officer,

O/o. The District Collectorate Building,
Dindigul.

3.Rosy

4.Vimalakumari

5.Justin Selvarani

6.Premkumar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Certiorarified Mandamus, calling for the records of the first



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respondent in Pa.Ma.No.2954734/2025/C1 dated 08.04.2025, quash the same and direct the first respondent to cancel the settlement deeds. In settlement deed 159/2018 dated 22.01.2018, 161/2018 and sale deed No.3866 of 2019 in favour of the third and fourth respondent in Survey No. 406/1 of Silukuvarpatti Village, Nilakottai Taluk, Dindigul District as expeditiously as possible within the time stipulated by this Court.

For Petitioner : Mr.S.Lawrance Vimal Raj
For Respondents 1 & 2 : Mrs.K.R.Shivashankari
Counsel for the State of Tamil Nadu
For Respondents 3 & 4 : Mr.P.Veera Pandi
For Respondent No.5 : No appearance
For Respondent No.6 : Mr.R.Premekumar

ORDER

Challenging the proceedings of the first respondent in Pa.Ma.No. 2954734/2025/C1 dated 08.04.2025, the present Writ Petition has been filed.

2.The case of the petitioner is that the petitioner is a senior citizen aged about 83 years. The petitioner has three female children and one male child and out of love and affection, the petitioner had executed



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registered settlement deed dated 22.01.2018 vide Document Nos.159 & 161 of 2018 in favour of the third and fourth respondents and a forcible sale deed dated 06.11.2019 vide Document No.3866 of 2019. However, since the petitioner was not taken care of by the private respondents, the petitioner initiated proceedings under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 before the second respondent, seeking cancellation of the settlement deeds and the sale deed executed in favour of the third and fourth respondent. However, the request of the petitioner for cancellation of the deeds was rejected by the second respondent vide order dated 13.12.2024, ordering a sum of Rs.2,000/- maintenance alone to the petitioner by each of his children. Aggrieved by the same, the petitioner preferred a statutory appeal before the first respondent, who after adjudication, confirmed the proceedings of the second respondent and dismissed the appeal vide impugned order dated 08.04.2025. Aggrieved by the concurrent findings, the petitioner has come up with the present Writ Petition.

3.Learned counsel appearing for the petitioner submitted that the petitioner has 1 son and 3 daughters. Learned counsel further contended that the conduct of the private respondents clearly disentitles them from retaining the benefit under the settlement deed and the authorities ought



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to have cancelled the same. Therefore, it is the argument of the learned counsel that the Appellate Authority / first respondent has failed to consider the request of the petitioner and thus, prayed to cancel the settlement deed and sale deed executed by the petitioner in favour of his children. Accordingly, he prayed for issuance of suitable directions.

4.Learned Government Counsel appearing for the official respondents submitted that the settlement deeds and sale deed executed by the petitioner in favour of the third respondent are irrevocable deeds and does not contain any condition obligating the settlee to maintain the settlor. He further submitted that the authorities have rightly taken note of the nature of the document and found that there was no clause reserving any right of cancellation in the event of failure to provide maintenance. He vehemently contended that in the absence of any such condition in the settlement deed, the authorities constituted under the Act, have no jurisdiction to cancel the document. Therefore, no further interference is warranted. Hence, he prayed for dismissal of this Writ Petition.

5.The issue involved in the present Writ Petition is no longer *res integra* as the similar issue has already been decided by the Full Bench of this Court in ***Sasikala Vs. Revenue Divisional Officer and another***



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reported in **2022 SCC online Mad 4343**, wherein it is held that once the settlement deed is executed, the same cannot be cancelled unilaterally. The relevant portion is extracted hereunder;

*“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 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*



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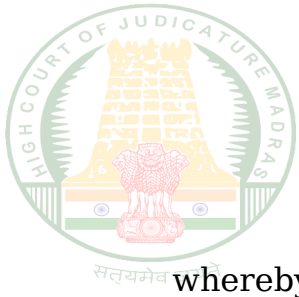
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impugned is liable to be quashed. Even though we agree that the writ petition can be allowed, this Court is unable to decide the writ petition in this batch where question referred to us is different. Hence, the writ petition in W.P. (MD) No. 6889 of 2020 is de-linked and the Registry is directed to list the matter before the appropriate Bench.”

[Emphasis supplied]

6. In view of the law laid down by the Hon'ble Full Bench of this Court in the judgement referred supra, there being no clause in the settlement deed or the sale deed for revoking the same, cancellation of the registered settlement deeds and sale deed is impermissible. In such view of the matter, this Court finds that the respondents have rightly rejected the claim of the petitioner for cancellation of the settlement deed and sale deed which were executed in favour of the petitioner's children and therefore, the impugned order passed by the first respondent does not warrant any interference of this Court.

7. Accordingly, the Writ Petition is dismissed, with liberty to the petitioner to approach the competent Civil Court in the manner known to law. Also, liberty is granted to the petitioner to file a petition before the second respondent for implementing the order of the second respondent,



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whereby maintenance of Rs.2,000/- each was ordered. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

28.07.2026

NCC : Yes / No

Index : Yes / No

Internet: Yes / No

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M.DHANDAPANI, J.

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