



W.P(MD)No.13794 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.13794 of 2022

and

W.M.P(MD)Nos.9796, 9798 & 20416 of 2022

V.Sathiyanathan

... Petitioner

Vs

1.The Sub Divisional Magistrate cum
Revenue Divisional Officer,
Paramakudi, Ramanathapuram District.

2.The Sub Registrar,
O/o. Sub Registrar,
Sayalkudi, Ramanathapuram District.

3.Angaleswari

4.Ganapathiammal

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the first respondent vide his proceedings in Pa.Mu.A2/2883/2021 dated 18.05.2022 and quash the same as illegal.



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For Petitioner : Mr.M.Mohamed Zamil
for M/s.Ajmal Associates

For Respondents : Mrs.K.R.Shiva Shankari (R1 & R2)
counsel for State

: No appearance (R3)

: Mr.V.Meenakshi Sundaram (R4)

ORDER

This Writ Petition has been filed challenging the proceedings of the first respondent dated 18.05.2022.

2.The learned counsel appearing for the petitioner submitted that the petitioner purchased the subject property from the third respondent, who is the daughter of the fourth respondent. Prior to the said sale, the fourth respondent had executed an irrevocable settlement deed in favour of the third respondent. Thereafter, the third respondent conveyed the property to the petitioner by a registered Sale Deed dated 11.04.2017, registered as Document No.2986 of 2017 on the file of the second respondent. It is the further submission of the learned counsel that, subsequent to the sale in



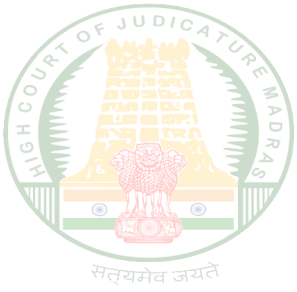
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favour of the petitioner, the fourth respondent lodged a complaint before the first respondent under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, seeking cancellation of the settlement deed executed in favour of the third respondent. Pursuant thereto, the first respondent conducted an enquiry between respondent Nos.3 and 4 and passed the impugned proceedings dated 18.05.2022 cancelling the settlement deed, without impleading the petitioner, who had already become the purchaser of the property. Aggrieved by the said proceedings, the present Writ Petition has been filed.

3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. The issue involved in the Writ Petition is no longer res integra. The Hon'ble Full Bench of this Court in ***Sasikala v. Revenue Divisional Officer and another***, reported in ***2022 SCC OnLine Mad 4343***, has categorically held that a settlement deed cannot be annulled under Section



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23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, unless the transfer is subject to a condition requiring the transferee to provide the transferor with basic amenities and basic physical needs. The relevant observations are 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 dated 06.03.2015 is irrevocable and has been executed 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 the Transfer of Property Act. The settlor has not imposed any condition requiring the transferee to provide basic amenities or physical needs. Therefore, there is no scope for invoking the power under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Consequently, the impugned order is liable to be quashed..."

[Emphasis supplied]



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5. In the light of the law laid down by the Hon'ble Full Bench in Sasikala (supra), the impugned proceedings dated 18.05.2022 passed by the first respondent cannot be sustained and are liable to be set aside.

6. Accordingly, the impugned proceedings dated 18.05.2022 passed by the first respondent are set aside and the Writ Petition stands allowed. It is made clear that this Court has not expressed any opinion on the merits of the rival claims of the parties with regard to title or possession over the subject property. Since a civil suit in O.S.No.22 of 2018 is stated to be pending on the file of the Additional District Court, Paramakudi, between the petitioner and the private respondents, the trial Court shall decide the suit independently, on its own merits and in accordance with law, uninfluenced by any of the observations made in this order. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

21.07.2026

NCC : Yes / No
Index : Yes / No

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To

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M.DHANDAPANI, J.

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