



W.P(MD)No.14883 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.14883 of 2023
and
WMP (MD) No.12558 of 2023

Indra Rani

... Petitioner(s)

vs.

1. The District Collector,
Theni, Theni District.

2. The Sub Collector / Revenue,
Divisional Officer, Periyakulam,
Theni District.

3. The Sub Registrar I,
Periyakulam, Theni District.

4. Jeyachandran

... Respondent(s)

PRAYER : Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue of Writ of Certiorarified Mandamus to call for the records on the file of the 4th respondent pertaining to its proceeding in Se.Mu.Na.Ka.No. 1953/A1/2022 dated 18.05.2023 and to quash the same and



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consequently directing the respondents to cancel sale deed bearing document No. 1669 of 2021 registered before the Sub Registrar Office-I, Periyakulam Theni District in respect of property in Survey No.2466/3 of Thamaraikulam Village, Periyakulam Taluk, Theni District under the Maintenance of Welfare of Parents and Senior Citizen Act.

For Petitioner : Mr.SC.Herold Singh

For R1 to R3 : Mr.R.Ramasamy, Counsel for State

For R4 : Mr.T.Wins

ORDER

Aggrieved by the order dated 18.05.2023 passed by the fourth respondent and to direct the respondents to cancel the sale deed bearing Document No.1669 of 2021 registered before the Sub Registrar Office-I, Periyakulam, Theni District, in respect of property in Survey No.2466/3 of Thamaraikulam Village, Periyakulam Taluk, Theni District, under the Maintenance of Welfare of Parents and Senior Citizen Act.

2. The petitioner has two sons. The petitioner's husband executed a registered Will bearing Document No.40 of 2016, under which he created a life interest in favour of the petitioner in respect of the sixth item of the schedule



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property, with a stipulation that the income derived from the said property should be utilised towards the petitioner's medical and other expenses. According to the petitioner, the Will prohibited the alienation of the said property during her lifetime. However, her sons are stated to have sold the property to third parties in violation of the terms of the Will. Aggrieved thereby, the petitioner submitted an application before the second respondent seeking cancellation of the registered document. The second respondent, by proceedings dated 18.05.2023, rejected the said application. Thereafter, the petitioner approached the first respondent, who directed the fourth respondent/son to pay a sum of Rs.10,000/- per month to the petitioner towards her maintenance. Challenging the said order, the present writ petition has been filed.

3. The learned counsel for the fourth respondent submitted that the first respondent, after considering the facts and circumstances of the case, rightly directed the fourth respondent to pay a sum of Rs.10,000/- per month towards the petitioner's maintenance and the said order does not warrant any interference by this Court.



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

5. The grievance of the petitioner essentially arises out of the alleged violation of the terms of the Will and the subsequent alienation of the property by her sons, which involves disputed questions relating to civil rights and cannot be adjudicated in exercise of the writ jurisdiction under Article 226 of the Constitution of India. Insofar as the impugned order directing the fourth respondent to pay a sum of Rs.10,000/- per month towards the petitioner's maintenance is concerned, this Court finds no infirmity or illegality warranting interference. Accordingly, the writ petition stands dismissed, leaving it open to the petitioner to work out her remedies before the competent civil court, if so advised. No costs. Consequently, the connected miscellaneous petitions are 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
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