



W.P.(MD)No.16236 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.16236 of 2025

and

W.P.(MD)No.12332 of 2025

Theivanayagam

... Petitioner

-VS-

1.The District Collector,

Office of the District Collector,

Appellate Authority,

The Maintenance and Welfare of Parents and Senior Citizens

Appellate Tribunal,

Thirunelveli District.

2.The Revenue Divisional Officer cum

Executive Magistrate,

The Authority under the Maintenance and

Welfare of Parents and Senior Citizens Act Divisional Officer,

Thirunelveli District.

3.Maharajan

4.Subramanian

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records connected with the impugned order issued by the first respondent in No.938/A1/2024 dated 20.09.2024 and quash the same as illegal in accordance with law.

For Petitioner : Dr.R.Alagumani

For Respondents 1 & 2 : Mr.M.Mahaboob Athiff

Counsel for the State of Tamil Nadu

For Respondents 3 & 4 : No appearance

ORDER

Challenging the proceedings of the first respondent in No. 938/A1/2024 dated 20.09.2024, the present Writ Petition has been filed.

2.The case of the petitioner is that the petitioner is a senior citizen aged about 65 years. The petitioner has two male children and one female child and out of love and affection, the petitioner had executed registered gift settlement deeds dated 23.09.2014 vide Document Nos.1454 of 2014 & 5932 of 2014 in favour of the third respondent and a registered gift settlement deed dated 23.09.2014 vide Document No.5933 of 2014 in favour of the fourth respondent. However, since the petitioner was not

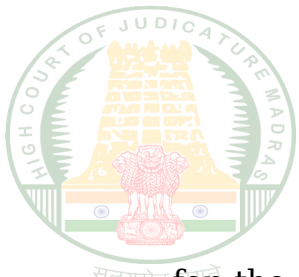


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taken care of by the respondents 3 & 4, the petitioner initiated proceedings under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 before the second respondent, seeking cancellation of the settlement deeds executed in favour of the third and fourth respondents. However, the second respondent vide order dated 26.12.2023, directed the respondents 3 & 4 to retransfer the entire 72 cents of agricultural land in S.No.685/5, Patta No.199 in Thenpathu Village in Thirunelveli District to the petitioner within 30 days. Aggrieved by the same, the third respondent preferred an appeal before the first respondent, who after adjudication, in and by proceedings dated 20.09.2024, closed the appeal based on the undertaking given by the third respondent and the petitioner's daughter that they will take care of the petitioner and the fourth respondent will provide monthly maintenance of Rs.5,000/- to the petitioner. Aggrieved by the same, the petitioner has come up with the present Writ Petition.

3.Learned counsel appearing for the petitioner submitted that admittedly, as against the order of the second respondent, only senior citizen is entitled to prefer appeal before the first respondent. The third respondent being the son of the petitioner is not entitled to prefer appeal under the Act. However, the first respondent without any jurisdiction, has passed the impugned order. In support of his submission, learned Counsel



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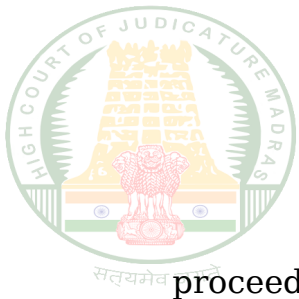
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for the petitioner placed reliance on the Division Bench judgment of this Court in the case of ***K.Raju Vs. Union of India, rep. by Secretary to Government and others reported in 2021-1-L.W. 820.***

4.Learned Government Counsel appearing for the official respondents fairly submitted that the impugned order came to be passed on the appeal preferred by the son of the petitioner, who is admittedly not a senior citizen. Hence, this Court may issue appropriate directions in the above regard.

5.Heard the learned Counsel for the petitioner and the learned Government Counsel appearing for the official respondents and perused the materials available on record. Though, notice has been served on the respondents 3 & 4 and their names printed, there is no representation on behalf of them.

6.Admittedly, the petitioner is a senior citizen and the third and fourth respondents are his son. The petitioner executed gift settlement deeds in favour of the third and fourth respondents. Thereafter, the petitioner preferred a complaint before the second respondent under the Act, for cancellation of the gift settlement deeds. The second respondent by



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proceedings dated 06.02.2020, ordered to retransfer the land in S.No. 685/5 in favour of the petitioner. However, challenging the order of the second respondent, the third respondent being a non-senior citizen has approached the first respondent by way of appeal. The first respondent, without ascertaining the said fact and without jurisdiction, has passed the impugned order dated 20.09.2024. If the fourth respondent is aggrieved by the order of the second respondent under the Act, he should have approached this Court under Article 226 of this Court, by way of a Writ Petition. Rather, he has filed an appeal before the first respondent. Further, the respondents have no power to set aside the settlement deeds or to order retransfer of lands. As rightly pointed out by the learned Counsel for the petitioner, this Court in **K.Raju's** case, referred to supra, this Court has held as follows:

“9.When the clear words of a statute do not permit any other meaning or interpretation, particularly when it pertains to a right of appeal, additional words cannot be read into the provision to discover a right in favour of a class or persons excluded by necessary implication in the appellate provision. When the words used in Section 16 of the Act are 'Any senior citizen or a parent.... aggrieved by order of a Tribunal may prefer an appeal....' and the other words govern the time or describe the senior citizens or the parent in the alternative, there is no room to



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imagine that others aggrieved by an order of the tribunal may also prefer an appeal on the ground that the scales must be balanced between the two sides.

10.In the light of the above and there being no other issue involved, W.P.No.29988 of 2019 is dismissed. It is recorded that the petitioner says that the parties have come to a settlement, but no conclusive finding needs to be rendered in such regard in the context of the present lis and also since the private respondents are not represented. There will be no order as to costs. Consequently, W.M.P.No.29889 and 29890 of 2019 are closed."

8.In view of the above, this Writ Petition is allowed and the impugned order of the first respondent in No.938/A1/2024 dated 20.09.2024, is set aside. However, the petitioner is at liberty to file a fresh application claiming shelter and maintenance before the appropriate authority, in the manner known to law. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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NCC : Yes / No

Index : Yes / No

Internet: Yes / No

MR



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M.DHANDAPANI, J.

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