



W.P.(MD)No.18219 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.18219 of 2022

Ummusalmal Beevi

... Petitioner

-VS-

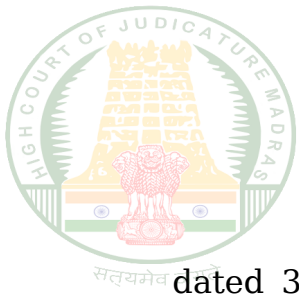
1.The Presiding Office cum the District Collector,
Appellate Tribunal under the Maintenance and
Welfare of Parents and Senior Citizens Act,
Tirunelveli District.

2.The Revenue Divisional Officer,
Tribunal under the Maintenance and
Welfare of Parents and Senior Citizens Act,
Tirunelveli District.

3.V.T.S.A.Sheik Abdul Khader

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Certiorarified Mandamus, to call for the records pertaining
to the order of the first respondent made in Mu.Mu.C4/U-12/883/2021



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dated 30.06.2022 and quash the same and consequently, direct the first respondent to rehear the appeal of the petitioner in accordance with law.

For Petitioner : Mr.J.Hariharan
For Respondents 1&2 : Mr.M.Mahaboob Athiff
Counsel for the State of Tamil Nadu
For Respondent No.3 : Mr.A.Ansar

ORDER

Challenging the proceedings of the first respondent in Mu.Mu.C4/U-12/883/2021 dated 30.06.2022, whereby the appeal filed by the petitioner came to be dismissed, 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 was married to one Late V.T.S.Abdul Kareem and out of the wedlock they were blessed with two daughters and 6 sons. The petitioner under the fond hope that her sons, especially her elder son, the third respondent herein would take care of the petitioner, had executed a registered settlement deed dated 26.07.1984 vide Document No.2081 of 1984. However, after the demise of the petitioner's husband in the year 2015, since she was not taken care of by the third respondent, the petitioner initiated proceedings under the Maintenance



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and Welfare of Parents and Senior Citizens Act, 2007 before the second respondent, seeking cancellation of the settlement deed executed in favour of the third respondent. However, the request of the petitioner was rejected by the second respondent vide order dated 08.10.2021. 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 30.06.2022. 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 6 sons and 2 daughters and, significantly, the settlement deed had been executed only in favour of the third respondent and not in favour of the other sons. Learned counsel further contended that the conduct of the third respondent clearly disentitles him from retaining the benefit under the settlement deed and the authorities ought 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 executed by the petition in favour of the third respondent. Further, it is submitted by the learned Counsel for the petitioner that the third



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respondent is now no more and accordingly, he prayed for issuance of suitable directions.

4.Learned Government Counsel appearing for the official respondents submitted that the settlement deed executed by the petitioner in favour of the third respondent is an irrevocable settlement deed 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. It is his further submission that the settlement deed is of the year 1984, which is well before the Act namely the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, came into force. 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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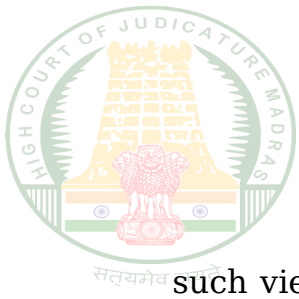
impugned is liable to be quashed. Even though we agree that the writ petition can be allowed, this Court is unable to decide the writ petition in this batch where question referred to us is different. Hence, the writ petition in W.P. (MD) No. 6889 of 2020 is de-linked and the Registry is directed to list the matter before the appropriate Bench.”

[Emphasis supplied]

6. With regard to the applicability of the Act, this Court in the case of ***M.M.Ramesh Vs. M.S.Manikavasagam and another*** reported in **2026 (2) CTC 513**, has held that the Act cannot be given retrospective effect. The relevant portion of the said judgment reads as under:

“11. From the law enunciated in the decisions, referred supra, it is luculent that the Act shall be applicable only to transfer of property after the commencement of the Act and it cannot be given retrospective effect.”

7. In view of the law laid down by the Hon'ble Full Bench and the Division Bench of this Court in the judgements referred supra, there being no clause in the settlement deed for revoking the settlement deed and further the settlement deed being executed prior to the commencement of the Act, cancellation of the registered settlement deed is impermissible. In



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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 which was executed in favour of the third respondent 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. There shall be no order as to costs.

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NCC : Yes / No

Index : Yes / No

Internet: Yes / No

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M.DHANDAPANI, J.

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