



W.P(MD)No.14741 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.14741 of 2022

and

WMP (MD) Nos.10529, 10530 & 10531 of 2022

Gengadevi

... Petitioner(s)

VS.

1. The Tribunal Maintenance and
Welfare of Parents and Senior Citizens
Act Cum Revenue Divisional Officer,
Kovilpatti Taluk,
Thoothukudi District.

2. The Zonal Deputy Thasildar,
Kovilpatti Taluk,
Thoothukudi District.

3. The Sub Registrar,
Kovilpatti,
Thoothukudi District.

4. Lakshmiammal



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WEB COPY 5. Aarthu

6. Bhavani

... Respondent(s)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st Respondent in his proceedings No. Moo.Mu.M.R/1729/22 dated 09.05.2022 and the consequential order of the 2nd respondents proceedings No. T.R. 2022/0103/28/338656TR dated 04.07.2022 cancelling our patta quash the same and consequently direct the 3rd respondent to delete the entries in the register with regard to S.No. 62/1 and 37/6 Inam maniachi Village based on the order of the 1st respondent.

For Petitioner	: Mr.A.Srinivasan
For R1 to R3	: Ms.K.R.Shivashankari, Counsel for State
For R4	: Mr.S.Premkumar
For R5	: Mr.P.Rajagopalan
For R6	: Ms.Sathyaselvi

ORDER

Aggrieved by the cancellation order dated 09.05.2022 passed by the first respondent, whereby the registered settlement deed executed by the fourth respondent in favour of the petitioner was cancelled, the petitioner has filed the present writ petition challenging the said order.



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2. The learned counsel appearing for the petitioner would submit that the petitioner is the daughter of the fourth respondent. The fourth respondent executed a registered Settlement Deed dated 27.03.2017, registered as Document No.107 of 2017 on the file of the Sub-Registrar, Kovilpatti, in favour of the petitioner and her sister, Bhavani, in respect of the subject property. Subsequently, the fourth respondent submitted an application before the first respondent seeking cancellation of the said Settlement Deed. By the impugned order dated 09.05.2022, the first respondent observed that the petitioner had failed to comply with the direction to pay maintenance to the fourth respondent and, consequently, directed cancellation of the Settlement Deed. Thereafter, based on an application submitted by the fourth respondent, the second respondent transferred the joint patta in favour of the fourth respondent. Aggrieved thereby, the petitioner has filed the present writ petition challenging the impugned order dated 09.05.2022.

3. The learned counsel for the petitioner would further submit that the authorities constituted under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, have jurisdiction under Section 23 of the Act only in



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respect of transfers made by way of gift or settlement, where such transfer is subject to a condition that the transferee shall provide the basic amenities and physical needs of the transferor. In the present case, the Settlement Deed does not contain any such condition. Therefore, the provisions of Section 23 of the Act are wholly inapplicable, and the first respondent lacked jurisdiction to entertain the complaint or direct cancellation of the Settlement Deed. Accordingly, he prayed that this writ petition be allowed.

4. The learned Counsel for the State appearing for the respondents 1 to 3 would fairly submit that the registered settlement deed dated 27.03.2017 does not contain any specific condition obligating the petitioner to provide basic amenities and physical needs to the fourth respondent. In the absence of such a condition incorporated in the document of transfer, the provisions of Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, would not be attracted.

5. This Court has carefully considered the rival submissions and perused the materials placed on record.



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6. The issue is no longer *res integra*. The Hon'ble Supreme Court in ***Sudesh Chhikara v. Ramti Devi and another***, reported in (2024) 14 SCC 225, has held that the deeming fiction under Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, can be invoked only when the transfer is made subject to the condition that the transferee shall provide the basic amenities and physical needs to the transferor and the transferee fails to fulfil such condition. Unless such a condition is expressly incorporated in the document of transfer, the jurisdiction under Section 23 cannot be exercised for declaring the transfer void. The Supreme Court further held that the authorities constituted under the Act cannot assume jurisdiction to annul a transfer in the absence of the statutory requirements contemplated under Section 23.

7. Coming to the facts of the present case, admittedly, the document in question is a registered settlement deed and there is no recital therein imposing any obligation upon the petitioner to provide basic amenities and physical needs to the fourth respondent. Therefore, the essential requirement for invoking Section 23 of the Act is absent. Consequently, the first respondent has no



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jurisdiction to direct cancellation of the registered settlement deed by invoking the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Accordingly, the impugned order is liable to be set aside and the same is set aside.

8. However, it is brought to the notice of this Court that during the pendency of this writ petition, the fourth respondent passed away.

9. Accordingly, this writ petition stands allowed and the impugned order dated 09.05.2022 is set aside. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

09.07.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes
PKN



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M.DHANDAPANI,J.

PKN

**ORDER MADE IN
W.P(MD)No.14741 of 2022**

DATED : 09.07.2026