



W.P(MD)No.22515 of 2026

WEB CODE BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.22515 of 2026

and

W.M.P(MD)No.16745 of 2026

Chinnathai @ Deivammal

... Petitioner

Vs

- 1.The District Collector,
The District Collector Office,
Thoothukudi – 628 101.
- 2.The Revenue Divisional Officer,
The Revenue Divisional Office,
Thoothukudi – 628 101.
- 3.The Sub Registrar,
Kayatharu Sub Registrar Office,
Kayatharu,
Thoothukudi – 628 952.
- 4.The Sub Inspector of Police,
Kayatharu Police Station,
Kayatharu,
Thoothukudi – 628 952.



W.P(MD)No.22515 of 2026

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... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the first respondent in Na.Ka.C1/e4071060/2025 dated 12.03.2026, which is confirming the order passed by the second respondent in Mu.Mu.M.R/5621/2025 dated 05.12.2025, quash the same as illegal and arbitrary, and consequently directing the third respondent to cancel the Sale Deed No.305 of 2020 dated 12.02.2020 registered on the file of the third respondent, Sub Registrar Office, Kayatharu.

For Petitioner : Mr.K.Suresh Subramanian

For Respondents : Mr.M.Mahaboob Athiff (R1 to R3)
Special Government Pleader

: Mr.R.Mohamed Riyaz (R4)
Government Advocate (Criminal Side)

ORDER

This Writ Petition has been filed seeking the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the first respondent in Na.Ka.C1/e4071060/2025 dated 12.03.2026, confirming the order passed by the second respondent in



W.P(MD)No.22515 of 2026

Mu.Mu.M.R/5621/2025 dated 05.12.2025, to quash the same as illegal and arbitrary, and consequently direct the third respondent to cancel Sale Deed No.305 of 2020 dated 12.02.2020 registered on the file of the Sub-Registrar Office, Kayathar.

2.Since no adverse order is proposed to be passed against the fifth respondent, notice to the fifth respondent is dispensed with.

3.The learned counsel appearing for the petitioner submitted that the petitioner is the mother of the fifth respondent. According to the petitioner, the fifth respondent obtained a Sale Deed from her without paying any sale consideration. Aggrieved thereby, the petitioner preferred a complaint before the second respondent seeking cancellation of the Sale Deed. The second respondent, however, declined to cancel the Sale Deed and instead directed the fifth respondent to pay a sum of Rs.2,000/- per month towards the petitioner's maintenance and further directed the petitioner's sons to pay sums of Rs.1,000/- and Rs.1,500/- respectively,



W.P(MD)No.22515 of 2026

aggregating to Rs.4,500/- per month. Challenging the said order, the petitioner preferred an appeal before the first respondent. The first respondent, by the impugned order, directed the fifth respondent to pay the sale consideration of Rs.80,000/- to the petitioner. Challenging the said order, the present Writ Petition has been filed.

4.The learned counsel appearing for the petitioner submitted that the fifth respondent, who is the petitioner's daughter, had obtained the Sale Deed by practising fraud and without paying any sale consideration. Therefore, the authorities ought to have cancelled the Sale Deed. According to the learned counsel, the failure of the authorities to cancel the Sale Deed is illegal and unsustainable. Hence, he prayed for allowing the Writ Petition.

5.Per contra, the learned Special Government Pleader appearing for the respondents 1 to 3 submitted that the issue involved in the present Writ Petition is no longer res integra and stands concluded by the Full Bench of this Court in ***Sasikala v. Revenue Divisional Officer and another***,



W.P(MD)No.22515 of 2026

WEB COPY

reported in **2022 SCC OnLine Mad 4343**. It is submitted that even a Settlement Deed, in the absence of any condition reserving the right of maintenance, cannot be cancelled by the authorities under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. A Sale Deed cannot be cancelled by the authorities exercising powers under the said Act.

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

7.Admittedly, the document executed by the petitioner in favour of the fifth respondent is a Sale Deed. The powers conferred under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 do not extend to cancellation of a Sale Deed. The Full Bench of this Court in ***Sasikala v. Revenue Divisional Officer and another (2022 SCC OnLine Mad 4343)*** has categorically held that even a Settlement Deed, in the absence of any condition regarding maintenance, cannot be cancelled by the



W.P(MD)No.22515 of 2026

WEB COPY

authorities under the Act. Therefore, the petitioner cannot seek cancellation of the Sale Deed before the first or second respondent. If the petitioner contends that the Sale Deed was obtained by fraud or without payment of sale consideration, the appropriate remedy is to institute a civil suit before the competent Civil Court for appropriate relief.

8.Insofar as the order passed by the first respondent directing the fifth respondent to pay the sale consideration of Rs.80,000/- is concerned, the first respondent had no jurisdiction to issue such a direction under the provisions of the Act. Hence, the said order is liable to be set aside. The order passed by the second respondent granting maintenance to the petitioner is restored.

9.Accordingly, the Writ Petition stands dismissed. The order passed by the first respondent in Na.Ka.C1/e4071060/2025 dated 12.03.2026 is set aside and the order passed by the second respondent in Mu.Mu.M.R/5621/2025 dated 05.12.2025 is restored. However, it is open to



W.P(MD)No.22515 of 2026

WEB COPY

the petitioner to work out her remedy before the competent Civil Court, if so advised. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

06.08.2026

NCC : Yes / No
Index : Yes / No
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7/8



WEB COPY



W.P(MD)No.22515 of 2026

M.DHANDAPANI, J.

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W.P(MD)No.22515 of 2026

06.08.2026