



W.P(MD)No.21864 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.21864 of 2022

and

W.M.P(MD)Nos.16026 & 16028 of 2022

Krishnakumar

... Petitioner

Vs

1.The Revenue Divisional Officer,
Senior Citizen Maintenance and Welfare Tribunal,
Thirumangalam,
Madurai.

2.Vijayalakshmi
3.Jothi

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Mu.Mu.No.2846/2019 A2, dated 25.06.2021, passed by the first respondent herein and quash the same as illegal and consequently direct the first respondent herein to provide necessary no objection certificate for restoration of gift deed executed in favour by the petitioner by



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the second respondent herein vide through the Document No.11751 of 2018 registered by the Joint Registrar No.4 Madurai, dated 08.10.2018.

For Petitioner : Ms.A.Banumathy

For Respondents : Mrs.K.R.Shivashankari (R1)
Counsel for State

: Ms.R.Shankari (R2)

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus to quash the impugned order dated 25.06.2021 passed by the first respondent and consequently direct the first respondent to issue the necessary No Objection Certificate for restoration of the gift/settlement deed executed by the second respondent in favour of the petitioner, registered as Document No.11751 of 2018 on the file of the Joint Registrar No.IV, Madurai, dated 08.10.2018.

2.Learned counsel appearing for the petitioner submitted that the petitioner is the owner of the house property comprised in R.S.No.61/1,



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situated at Nethaji Road, Madakulam Village, Palanganatham, Madurai, bearing Door No.27C/4/1. The petitioner acquired the said property from his mother, namely, the second respondent, by way of a settlement deed registered as Document No.11751 of 2018 on 08.10.2018. Subsequently, due to certain misunderstandings between the petitioner and his mother, the second respondent lodged a complaint before the first respondent under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, allegedly at the instigation of the petitioner's sisters. Based on the said complaint, the first respondent passed the impugned order cancelling the settlement deed. Aggrieved by the same, the present Writ Petition has been filed.

3.Learned counsel for the petitioner submitted that the issue involved in the present Writ Petition is no longer res integra. The Hon'ble Full Bench of this Court in ***Sasikala v. Revenue Divisional Officer and another***, reported in ***2022 SCC OnLine Mad 4343***, has categorically held that a settlement deed cannot be cancelled under Section 23 of the



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Maintenance and Welfare of Parents and Senior Citizens Act, 2007, unless the transfer was made subject to a condition that the transferee shall provide the transferor with basic amenities and basic physical needs. The relevant observations are extracted below:

*"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***



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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 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]"

4.Heard the learned counsel appearing on either side and perused the materials available on record.

5.The facts of the present case are not in dispute. Admittedly, the second respondent executed the settlement deed in favour of the petitioner out of love and affection. A careful reading of the recitals contained in the settlement deed does not disclose any condition obligating the petitioner to provide maintenance or basic amenities to the second respondent so as to



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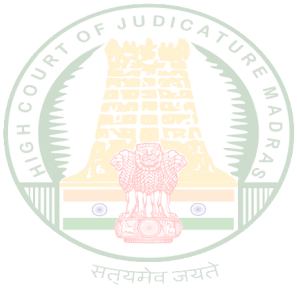
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attract Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. In the absence of any such condition, the first respondent had no jurisdiction to invoke Section 23 of the Act for cancelling the settlement deed.

6.The issue is squarely covered by the judgment of the Hon'ble Full Bench of this Court in ***Sasikala v. Revenue Divisional Officer and another (2022 SCC OnLine Mad 4343)***. Accordingly, the impugned order dated 25.06.2021 passed by the first respondent is liable to be set aside and is hereby quashed.

7.At the same time, considering the relationship between the parties and the obligation of the petitioner to maintain his mother, who is a senior citizen, this Court deems it appropriate to issue the following directions in the interest of justice:

(i) The petitioner shall pay maintenance to the second respondent at the rate of Rs.5,000/- (Rupees Five Thousand only) per month from the



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date of the impugned order, namely, 25.06.2021, till the date of this order.

The entire arrears shall be calculated and deposited by the petitioner in the name of the second respondent within a period of six (6) weeks from the date of receipt of a copy of this order.

(ii) Thereafter, the petitioner shall continue to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) per month towards the maintenance of the second respondent on or before the 7th day of every English calendar month, commencing from the succeeding month.

(iii) The second respondent shall be entitled to reside in the house property situated in R.S.No.61/1, Nethaji Road, Madakulam Village, Palanganatham, Madurai, bearing Door No.27C/4/1, peacefully and without any interference from the petitioner or any person claiming under him, during her lifetime. Since the petitioner is admittedly residing in Singapore, the aforesaid arrangement shall continue throughout the lifetime of the second respondent.



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8. With the above directions, this Writ Petition stands allowed.

There shall be no order as to costs. Consequently, the connected Miscellaneous Petitions are closed.

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NCC : Yes / No
Index : Yes / No
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To

The Revenue Divisional Officer,
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M.DHANDAPANI, J.

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