



W.P(MD)No.21461 of 2026

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.21461 of 2026

Rm.S.Senthilnathan

... Petitioner(s)

vs.

1. The District Collector / Appellate Authority,
(Under the Maintenance and Welfare of Parents and
Senior Citizens Act)
Sivagangai District, Sivagangai.

2. The Sub-Collector / Presiding Officer,
(Under the Maintenance and
Welfare of Parents and Senior Citizens
Act)
Devakottai, Sivagangai District.

3. Kaveri

4. Sundar

... Respondent(s)

PRAYER: Writ Petition, filed under Article 226 of the Constitution of India,
praying this court to issue a Writ of Certiorarified Mandamus to call for the
records pertaining to the order passed by the 1st respondent in



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Mu.Mu.D1/32863/2025 dated 29-12-2025 and quash the same and further direct the respondents 1 and 2 to cancel the settlement deed Doc. No.924/2011 dated 07.03.2011 executed at Devakottai Sub-Registrar Office, Sivagangai District following the provision of the maintenance and Welfare of Parents of Senior Citizen Act, 2007.

For Petitioner	: Mr. N.Pragalathan
For R1 & R2	: Mr.R.Ramasamy, Counsel for State

ORDER

This writ petition has been filed challenging the rejection order dated 29.12.2025 passed by the first respondent and consequently, to direct the respondents 1 and 2 to cancel the settlement deed in Doc. No.924/2011 dated 07.03.2011 executed at Devakottai Sub-Registrar Office, Sivagangai District, following the provision of the maintenance and Welfare of Parents of Senior Citizen Act, 2007.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself. Since no adverse order is going to be passed, notice to the respondents 3 and 4 is dispensed with.



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3. The learned counsel appearing for the petitioner submitted that the petitioner is the father-in-law of the third respondent and the grandfather of the fourth respondent. The petitioner's son, namely, Radha @ Ramanathan, executed a Settlement Deed in favour of the petitioner's son in the year 2011. Subsequently, the petitioner's son, Radha @ Ramanathan, passed away on 17.09.2013. Thereafter, according to the learned counsel, the third and fourth respondents failed and neglected to maintain and take care of the petitioner. Consequently, the petitioner filed an application before the second respondent seeking cancellation of the Settlement Deed. However, the second respondent rejected the petitioner's request on the ground that the Settlement Deed had not been executed by the petitioner, but by his deceased son and therefore, cancellation of the Settlement Deed at the instance of the petitioner was not legally permissible. Aggrieved by the said order, the petitioner preferred an appeal before the first respondent. The first respondent, by the impugned order, confirmed the order of the second respondent, observing that the petitioner had not sought any relief for maintenance under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, but had sought only cancellation of the Settlement Deed executed by



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his deceased son. Challenging the said order, the present Writ Petition has been filed.

4. The learned Counsel for the State appearing for the respondents 1 and 2 would fairly submit that the registered settlement deed does not contain any specific condition obligating the petitioner to provide basic amenities and physical needs to the third 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 submissions on either side and perused the materials placed on record.

6. Admittedly, 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



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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 third respondent. Therefore, the essential requirement for invoking Section 23 of the Act is absent. In such circumstances, this Court finds that the respondents 1 and 2 have rightly rejected the petitioner's application seeking cancellation of the Settlement Deed. However, it is made clear that the petitioner is at liberty to file an appropriate application before the competent authority under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, seeking maintenance, if so advised and if such an application is filed, the same



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8. Accordingly, the writ petition stands dismissed. No costs.

Consequently, the connected miscellaneous petition is closed.

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NCC : Yes / No

Index : Yes / No

Internet : Yes

PKN



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M.DHANDAPANI,J.

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**ORDER MADE IN
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