



W.P(MD)No.24884 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.24884 of 2024

Kanakka Thevar

... Petitioner

Vs

1.The District Collector,
Collectorate,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

3.Kankka Thevan

... 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 passed by the 1st respondent in Mu.Mu.No. 571197/2023C6 dated 02.08.2024 and quash the same as illegal and consequently direct the 1st respondent to recover the amount of Rs.



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30,00,000/- from the petitioner's son/3rd respondent and hand over it to the petitioner and to cancel two settlement deeds pertaining to the documents in Doc.Nos.755 of 2021 and 756 of 2021 which was executed by the petitioner to the 3rd respondent on 10.03.2021.

For Petitioner : Mr.A.Rajaram

For Respondents : Mr.M.Mahaboob Athiff (R1 & R2)
Counsel for Government of Tamil Nadu

: Mr.T.Manikandan (R3)

ORDER

This Writ Petition has been filed challenging the order dated 02.08.2024 passed by the first respondent and consequently seeking a direction to the first respondent to recover a sum of Rs.30,00,000/- from the petitioner's son, namely the third respondent, and hand over the same to the petitioner, besides seeking cancellation of the settlement deeds registered as Document Nos.755 of 2021 and 756 of 2021, both dated 10.03.2021, executed by the petitioner in favour of the third respondent.



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2.The learned counsel appearing for the petitioner submitted that the petitioner is the father of the third respondent. Out of love and affection, the petitioner executed the settlement deeds dated 10.03.2021 in favour of the third respondent. Subsequently, the third respondent neglected and refused to maintain the petitioner. Therefore, the petitioner submitted an application before the second respondent under Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, seeking cancellation of the settlement deeds and protection of his residential rights.

3.The learned counsel further submitted that the second respondent rejected the petitioner's request for cancellation of the settlement deeds on the ground that the documents did not contain any condition obligating the third respondent to maintain the petitioner. However, the second respondent directed that the petitioner shall be provided with residential shelter, without fixing any amount towards monthly maintenance. The said order was confirmed by the first respondent in appeal. Aggrieved thereby, the present Writ Petition has been filed.



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4.The learned counsel for the petitioner fairly submitted that, in view of the settled legal position governing cancellation of unconditional settlement deeds, the petitioner confines his prayer to fixation of a reasonable amount towards monthly maintenance.

5.Having considered the submissions made and taking note of the fact that the petitioner is a senior citizen and that the authorities have already recognised his entitlement to maintenance by directing that residential shelter be provided, this Court is of the view that the interests of justice would be served by fixing a reasonable amount towards monthly maintenance.

6.Accordingly, without interfering with the findings of the authorities insofar as the refusal to cancel the settlement deeds is concerned, the third respondent is directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) per month towards the maintenance of the petitioner. The



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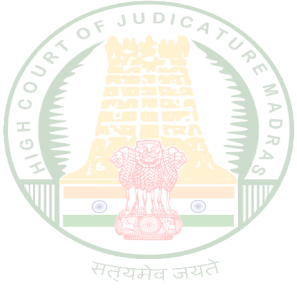
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said amount shall be paid on or before the 7th day of every English calendar month, commencing from the month succeeding the date of receipt of a copy of this order. The direction regarding provision of residential accommodation/shelter to the petitioner shall continue to remain in force. In the event of default in payment of the maintenance amount, it is open to the petitioner to approach the competent authority under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, for enforcement of this direction in accordance with law.

7. With the above observations and directions, this Writ Petition stands disposed of. There shall be no order as to costs.

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NCC : Yes / No
Index : Yes / No
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M.DHANDAPANI, J.

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