



W.P(MD)No.25482 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.25482 of 2024

and

W.M.P(MD)No.21620 of 2024

V.Vijayakumar

... Petitioner

Vs

- 1.The Presiding Officer,
Senior Citizens Maintenance and Welfare Tribunal,
Revenue Divisional Officer,
District Collectorate,
Tiruchirappalli-620 001.
- 2.The Appellate Authority,
Under Senior Citizens Maintenance and Welfare Tribunal,
The District Collector,
District Collectorate,
Tiruchirappalli – 620 001.
- 3.The Superintendent of Police,
Trichy District, Trichy.
- 4.The District Registrar,
Trichy District, Trichy.



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5.The Sub Registrar,
Joint Registrar No.III,
Town Hall, Trichy.

6.Suguna

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari to call for the records pertaining to the impugned order in Moo.Mu.A1/4941/2023, dated 08.11.2023 on the file of the 1st respondent and the impugned order in Na.Ka.G1/1732271/2024, dated 20.09.2024 on the file of the 2nd respondent and quash the same as illegal.

For Petitioner : Mr.A.John Vincent

For Respondents : Mrs.K.R.Shiva Shankari (R1, R2, R4 & R5)
Counsel for State

: Mr.R.Mohamed Riyaz (R3)
Government Advocate (Crl. Side)

: Mr.V.Sasikumar (R6)

ORDER

This Writ Petition has been filed challenging the order dated 08.11.2023 passed by the first respondent/Revenue Divisional Officer and the appellate order dated 20.09.2024 passed by the second respondent/District Collector.



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2.The learned counsel appearing for the petitioner submitted that the petitioner is the son of the sixth respondent. The sixth respondent, out of love and affection, executed an irrevocable settlement deed in favour of the petitioner without incorporating any condition requiring the petitioner to provide her with basic amenities and physical needs. Subsequently, owing to certain misunderstandings, the sixth respondent submitted an application before the first respondent under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, on 29.09.2023.

3.The learned counsel further submitted that the first respondent/Revenue Divisional Officer, by proceedings dated 08.11.2023, rejected the request for cancellation of the settlement deed on the ground that the document did not contain any condition warranting invocation of Section 23 of the Act. However, taking into consideration the welfare of the sixth respondent, the first respondent directed that, out of the six residential



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houses covered under the settlement deed, four houses shall remain with the petitioner and two houses shall be earmarked for the benefit of the sixth respondent, enabling her to reside in one house and to receive the rental income from the other. Aggrieved by the said order, the sixth respondent preferred an appeal before the second respondent/District Collector. The second respondent, by order dated 20.09.2024, allowed the appeal and cancelled the settlement deed executed by the sixth respondent in favour of the petitioner. Challenging the said appellate order, the present Writ Petition has been filed.

4.The learned counsel appearing for the petitioner submitted that the petitioner is willing to comply with the directions issued by the first respondent/Revenue Divisional Officer and undertakes to implement the same within a period of two weeks from the date of receipt of a copy of this order.

5.This Court has carefully considered the submissions made on



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either side and perused the materials available on record.

6.The issue involved in the present Writ Petition is no longer res integra. The Full Bench of this Court in ***Sasikala v. Revenue Divisional Officer and another***, reported in ***2022 SCC OnLine Mad 4343***, has categorically held that the power under Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, can be exercised only where the transfer is made subject to a condition that the transferee shall provide the transferor with basic amenities and physical needs and the transferee has failed to fulfil such condition. In the absence of such a condition in the document of transfer, the authorities under the Act have no jurisdiction to declare the transfer void or cancel the settlement deed. The relevant portion of the judgment reads as follows:

"46. ... 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 the Transfer of Property Act. It is seen that the settlor, viz., the second respondent, has not imposed



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7.In the case on hand, it is not in dispute that the settlement deed executed by the sixth respondent is unconditional and does not contain any recital obligating the petitioner to provide basic amenities and physical needs to the sixth respondent. Therefore, the essential jurisdictional requirement for invoking Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, is absent. Consequently, the second respondent/District Collector erred in cancelling the registered settlement deed by exercising powers under Section 23 of the Act.

8.On the other hand, the first respondent/Revenue Divisional Officer, while declining to cancel the settlement deed, had adequately safeguarded the interest of the sixth respondent by directing that she be



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permitted to reside in one of the six houses and to receive the rental income from another house. The petitioner has also undertaken before this Court to comply with the directions contained in the order of the first respondent.

9.In view of the foregoing discussion, the appellate order dated 20.09.2024 passed by the second respondent/District Collector is set aside. The order dated 08.11.2023 passed by the first respondent/Revenue Divisional Officer is restored. The petitioner shall implement the directions contained in the order of the first respondent in letter and spirit within a period of two (2) weeks from the date of receipt of a copy of this order.

10.With the above observations and directions, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

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NCC : Yes / No

Index : Yes / No

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M.DHANDAPANI, J.

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