



W.P(MD)Nos.28394 of 2022 and 1364 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)Nos.28394 of 2022 and 1364 of 2023

and

W.M.P(MD)Nos.1248 & 1250 of 2023

1.W.P(MD)No.28394 of 2022:

S.Ramaiah

... Petitioner

Vs

1.The District Collector,
Tenkasi District, Tenkasi.

2.The Revenue Divisional Officer,
Sankarankovil RDO Office,
Tenkasi District.

3.The Revenue Divisional Officer,
Tenkasi RDO Office,
Tenkasi District.

4.The District Registrar,
Tenkasi Registration District,
Tenkasi.



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5.The Sub Registrar,
Melaneelithanallur Sub Registrar Office,
Tenkasi District.

6.Gnanasekar

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents 4 and 5 to implement the order dated 24.08.2022 in Na.Ka.A2/771/2022 passed by the third respondent and to cancel the sale deed dated 29.10.2015 vide Doc No. 2014/2015 on the file of the fifth respondent within a stipulated period fixed by this Court.

For Petitioner : Mr.J.David Ganesan

For Respondents : Mr.R.Ramasamy (R1 to R5)
counsel for State

: Mr.R.J.Karthick (R6)

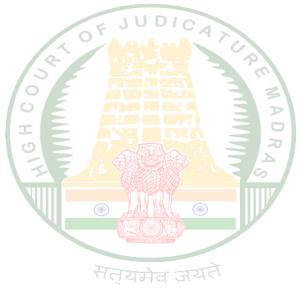
2.W.P(MD)No.1364 of 2023:

Gnanasekar

... Petitioner

Vs

1.The District Collector,
Tenkasi,
Tenkasi District.



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2.The Revenue Divisional Officer,
Tirunelveli, Tirunelveli District.

3.The Revenue Divisional Officer,
Tenkasi, Tenkasi District.

4.The District Registrar,
Registration Department,
Tenkasi, Tenkasi District.

5.The Sub Registrar,
Melaneelithanallur Sub Registrar Office,
Tenkasi District.

6.S.Ramaiah

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records of the impugned order passed by the third respondent in Na.Ka.A2/771/2022 dated 24.08.2022 and quash the same as illegal and without jurisdiction.

For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.R.Ramasamy (R1 to R5)
counsel for State

: Mr.J.David Ganesan (R6)



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COMMON ORDER

W.P.(MD) No.28394 of 2022 has been filed seeking issuance of a Writ of Mandamus directing respondents 4 and 5 to implement the order dated 24.08.2022 passed by the third respondent in Na.Ka.A2/771/2022 by cancelling the Sale Deed dated 29.10.2015 registered as Document No.2014 of 2015 on the file of the fifth respondent, within a time frame to be fixed by this Court.

2.W.P.(MD) No.1364 of 2023 has been filed challenging the order dated 24.08.2022 passed by the third respondent and seeking to quash the same as illegal.

3.Since the issue involved in both the Writ Petitions arises out of the same proceedings and the parties are common, both the Writ Petitions are taken up together and are disposed of by this common order.



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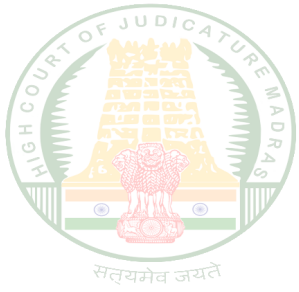
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4.Learned counsel appearing for the petitioner in W.P.(MD) No.

1364 of 2023 submitted that the petitioner is the son of the sixth respondent.

The sixth respondent initiated proceedings before the third respondent under Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, seeking maintenance and cancellation of the Sale Deed dated 29.10.2015 executed in favour of the petitioner.

5.It is submitted that the third respondent, by proceedings dated 23.02.2022, directed the petitioner to pay a sum of Rs.3,000/- per month towards maintenance to the sixth respondent. Alleging non-payment of the maintenance amount, the sixth respondent thereafter sought cancellation of the Sale Deed dated 29.10.2015 before the competent authority. Pursuant thereto, the petitioner was issued notice by the third respondent and, after enquiry, the third respondent, by the impugned order dated 24.08.2022, directed the fourth respondent to cancel the Sale Deed dated 29.10.2015. Seeking implementation of the said order, the sixth respondent filed W.P.(MD) No.28394 of 2022 before this Court.



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6.Learned counsel for the petitioner in W.P(MD)No.28394 of 2022 contended that Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, applies only to transfers made by way of gift or settlement, where such transfer is subject to a condition that the transferee shall provide the transferor with basic amenities and physical needs. In the present case, the document executed by the sixth respondent in favour of the petitioner is an absolute Sale Deed executed for valuable consideration and not a gift or settlement deed. Therefore, the provisions of Section 23 of the Act have no application to the facts of the present case. It is further submitted that the third respondent has no jurisdiction to direct cancellation of a registered Sale Deed and, therefore, the impugned order is wholly without jurisdiction and liable to be set aside.

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



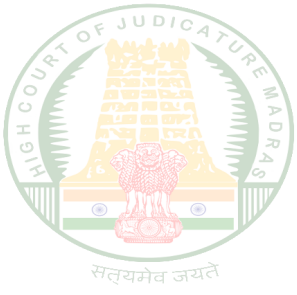
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8.It is not in dispute that the document sought to be cancelled is a registered Sale Deed dated 29.10.2015. Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, empowers the authority to declare certain transfers by way of gift or settlement as void, subject to the fulfilment of the statutory requirements contained therein. The said provision cannot be invoked in respect of an absolute Sale Deed executed for valuable consideration. Therefore, the third respondent had no jurisdiction to direct cancellation of the Sale Deed in question.

9.Accordingly, the impugned order dated 24.08.2022 passed by the third respondent directing cancellation of the Sale Deed dated 29.10.2015 is set aside.

10.However, this Court cannot lose sight of the fact that the sixth respondent is a senior citizen and that an earlier order dated 23.02.2022 directing payment of maintenance at the rate of Rs.3,000/- per month had already been passed. Having regard to the age and needs of the sixth



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respondent and the obligation of the petitioner, being his son, to maintain him, this Court is of the considered view that the maintenance amount requires enhancement.

11. Accordingly, the petitioner/son is directed to pay a sum of Rs.5,000/- (Rupees Five Thousand only) per month towards the maintenance of the sixth respondent. The said amount shall be paid on or before the 7th day of every English calendar month, commencing from the succeeding month.

12. The petitioner is further directed to pay the entire arrears of maintenance calculated at the rate of Rs.3,000/- per month, in terms of the earlier order dated 23.02.2022, within a period of four (4) weeks from the date of receipt of a copy of this order, if the same has not already been paid.

13. With the above directions, the impugned order dated 24.08.2022 stands set aside. Consequently, W.P.(MD) No.1364 of 2023 is



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allowed. Insofar as W.P.(MD) No.28394 of 2022 is concerned, in view of the setting aside of the order sought to be implemented, no further orders are required in the said Writ Petition and the same stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

16.07.2026

NCC : Yes / No

Index : Yes / No

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To

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Tenkasi District, Tenkasi.

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Tenkasi RDO Office, Tenkasi District.

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Tenkasi Registration District, Tenkasi.

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M.DHANDAPANI, J.

ps

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