



W.P(MD)No.29595 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.29595 of 2024

and

WMP (MD) Nos.24990 & 24992 of 2024

Muthukumaran

... Petitioner(s)

VS.

1. The Revenue Divisional Officer,
Thirumangalam
The Principal Officer,
Maintenance and Welfare of
Senior Citizens,
Madurai.

2. The Joint Sub. Registrar,
No. 44, Madurai South,
Palanganatham,
Thiruparankundram,
Madurai.

3. Santhanam

... Respondent(s)

PRAYER : Writ Petition, filed under Article 226 of the Constitution of India,



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praying this court to issue a Writ of Certiorarified Mandamus, call for the records of the 1st respondent in Mu.Mu.No. 2498/2024/A2 dated 10.09.2024 and quash the same as illegal and arbitrary and in consequence thereof direct the 2nd respondent to Make Necessary entires in registered maintained by them.

For Petitioner	: Mr. P.Ganapathi Subramanian
For R1 & R2	: Ms.K.R.Shivashankari, Counsel for State
For R3	: Mr.C.M.Arumugam

ORDER

Aggrieved by the cancellation order dated 10.09.2024 passed by the first respondent, whereby the registered settlement deed executed by the third respondent in favour of the petitioner was cancelled, the petitioner has filed the present writ petition challenging the said order.

2. The learned counsel appearing for the petitioner submitted that the petitioner is the son of the third respondent. The third respondent/father executed a Settlement Deed in favour of the petitioner, registered as Document No.16855 of 2022, dated 07.12.2022, on the file of the Joint Sub-Registrar, Madurai.



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According to the learned counsel, the Settlement Deed is an absolute and irrevocable settlement without any condition. Thereafter, the third respondent preferred a complaint before the first respondent seeking cancellation of the Settlement Deed under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The first respondent, by order dated 10.09.2024 cancelled the Settlement Deed. Aggrieved thereby, the present Writ Petition has been filed.

3. The learned counsel for the petitioner further submitted that, as per the recitals contained in the Settlement Deed, the third respondent reserved only a life interest to collect the rental income from the property during his lifetime and that the petitioner would become entitled to absolute possession and enjoyment of the property only after the lifetime of the third respondent. It was further submitted that the petitioner has always been ready and willing to maintain the third respondent and that there was no violation of any condition warranting cancellation of the Settlement Deed. Therefore, the impugned order passed by the respondent is liable to be set aside.



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4. Placing reliance upon the decision of the Hon'ble Full Bench in the case of ***Sasikala v. Revenue Divisional Officer and another*** reported in 2022 SCC online Mad 4343, the learned counsel submitted that, it was categorically held that in the absence of a condition incorporated in the deed, the power under Section 23(1) cannot be exercised and further held that when a settlement deed is executed, the same cannot be cancelled unilaterally. Therefore, the impugned order dated 20.01.2021 is wholly without jurisdiction and liable to be quashed.

5. The learned Counsel appearing for the third respondent submitted that the Settlement Deed itself casts an obligation upon the petitioner to maintain and take care of the third respondent during his lifetime. The settlement deed was executed out of love and affection and once the petitioner failed to maintain the third respondent, the very basis of the settlement stood defeated. Therefore, the authorities have rightly exercised their powers under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, and the impugned orders do not warrant interference.



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6. The learned Counsel for the State appearing for the respondents 1 and 2 would fairly submit that the registered settlement deed dated 07.12.2022 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.

7. This Court has carefully considered the submissions on either side and perused the materials placed on record.

8. 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 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



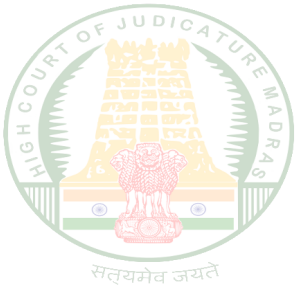
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incorporated in the document of transfer, the jurisdiction under Section 23 cannot be exercised for declaring the transfer void. The Supreme Court further held that the authorities constituted under the Act cannot assume jurisdiction to annul a transfer in the absence of the statutory requirements contemplated under Section 23.

9. 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. Consequently, the first respondent had no jurisdiction to direct cancellation of the registered settlement deed by invoking the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Accordingly, the impugned order is liable to be set aside and the same is set aside.

10. However, it is made clear that the third respondent shall continue to remain in possession of the property and shall be entitled to collect the rental income therefrom during his lifetime. The petitioner shall not interfere with the



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peaceful possession and enjoyment of the property by the third respondent. It is further made clear that the petitioner shall continue to maintain and take care of the third respondent in accordance with law. In the event of any breach of the said obligation, it is always open to the third respondent to work out his remedies in the manner known to law.

11. With the above observations and directions, this writ petition stands allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

27.07.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes
PKN



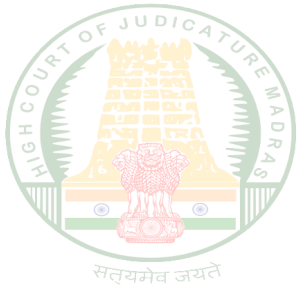
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M.DHANDAPANI,J.

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**ORDER MADE IN
W.P(MD)No.29595 of 2024**

DATED : 27.07.2026