



W.P(MD)No.28217 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.28217 of 2024

and

W.M.P(MD)Nos.23934 of 2024 & 21948 of 2025

M.Jeyakumar

... Petitioner

Vs

1.The District Collector,
District Collectorate,
Dindigul.

2.The Superintendent of Police,
O/o. District Superintendent,
Dindigul District.

3.The District Revenue Officer,
O/o. The District Revenue Officer, Dindigul.

4.Tribunal officer cum the Revenue Divisional Officer,
O/o. The Revenue Divisional Office,
Dindigul, Dindigul District.

5.Murugathal

6.M.Selvaraj

... Respondents



W.P(MD)No.28217 of 2024

WEB COPY

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 Na.Ka.No.6844/2023/A1 dated 16.08.2024 on the file of the respondent No.4 and quash the same as illegal.

For Petitioner : Mr.S.Rajasekar
for M/s.Roy and Roy Associates

For Respondents : Mrs.K.R.Shiva Shankari (R1, R3 & R4)
counsel for State

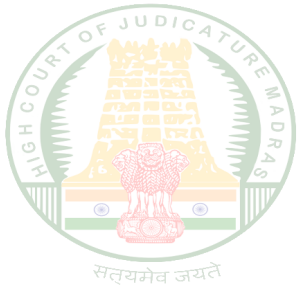
: Mr.R.Mohamed Riyaz (R2)
Government Advocate (Crl. Side)

: Mr.G.Gomathi Sankar (R5)

ORDER

Aggrieved by the order dated 16.08.2024 passed by the fourth respondent cancelling the registered settlement deed executed by the fifth respondent in favour of the petitioner, the present Writ Petition has been filed challenging the said order.

2.The learned counsel appearing for the petitioner submitted that the petitioner is the son of the fifth respondent. The fifth respondent/mother,

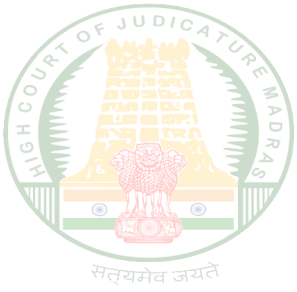


W.P(MD)No.28217 of 2024

WEB COPY

out of love and affection, executed a registered gift settlement deed dated 08.03.2021, registered as Document No.1762 of 2021, in favour of the petitioner in respect of the subject property. Subsequently, the fifth respondent submitted an application before the fourth respondent seeking cancellation of the said settlement deed. The fourth respondent, by the impugned order dated 16.08.2024, held that the petitioner had failed to maintain and take care of the fifth respondent and consequently directed cancellation of the settlement deed. Aggrieved by the said order, the present Writ Petition has been filed.

3.The learned counsel for the petitioner submitted that the authorities constituted under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, have jurisdiction under Section 23 of the Act only in respect of transfers by way of gift or settlement where the transfer is made subject to a condition that the transferee shall provide the transferor with basic amenities and physical needs. In the present case, the document in question is a registered settlement deed which does not contain any such



W.P(MD)No.28217 of 2024

WEB COPY

condition. Therefore, the provisions of Section 23 of the Act are wholly inapplicable and the fourth respondent had no jurisdiction either to entertain the application or to direct cancellation of the settlement deed.

4.Placing reliance upon the decision of the Full Bench of this Court in *Sasikala v. Revenue Divisional Officer and another*, reported in **2022 SCC OnLine Mad 4343**, the learned counsel submitted that it has been categorically held that, in the absence of a condition incorporated in the deed requiring the transferee to maintain the transferor, the power under Section 23(1) of the Act cannot be exercised. It has also been held that a registered settlement deed cannot be cancelled unilaterally. Therefore, according to the learned counsel, the impugned order dated 16.08.2024 is wholly without jurisdiction and is liable to be quashed.

5.The learned counsel for State appearing for respondents 1, 3 and 4 fairly submitted that the registered settlement deed dated 08.03.2021 does not contain any specific condition obligating the petitioner to provide



W.P(MD)No.28217 of 2024

WEB COPY

the fifth respondent with basic amenities and physical needs. 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.

6.This Court has carefully considered the submissions made on either side and perused the materials available on record.

7.Admittedly, the document in question is a registered settlement deed and there is no recital therein imposing any obligation upon the petitioner to provide the fifth respondent with basic amenities and physical needs. Therefore, the essential requirement for invoking Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, is absent. Consequently, the fourth respondent had no jurisdiction to invoke the provisions of the Act and direct cancellation of the registered settlement deed. Accordingly, the impugned order dated 16.08.2024 is liable to be set



W.P(MD)No.28217 of 2024

WEB COPY aside and is, accordingly, set aside.

8.It is, however, brought to the notice of this Court that the petitioner has admitted his obligation to maintain the fifth respondent. Taking note of the said submission, while setting aside the impugned order, this Court directs the petitioner to pay a sum of Rs.7,500/- (Rupees Seven Thousand Five Hundred only) per month towards the maintenance of the fifth respondent, on or before the 7th day of every English calendar month. In the event of any default in payment of the monthly maintenance, it is open to the fifth respondent to work out her remedy before the competent authority under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, including seeking enforcement of the maintenance order, in the manner known to law. It is further directed that the fifth respondent shall be permitted to reside peacefully in the farmhouse without any interference from the petitioner or any person claiming under him, so long as she requires such residence.



W.P(MD)No.28217 of 2024

WEB COPY

9. With the above observations and directions, this Writ Petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

24.07.2026

NCC : Yes / No
Index : Yes / No
ps

To

1. The District Collector,
District Collectorate,
Dindigul.
2. The Superintendent of Police,
O/o. District Superintendent,
Dindigul District.
3. The District Revenue Officer,
O/o. The District Revenue Officer,
Dindigul.
4. Tribunal Officer cum the Revenue Divisional Officer,
O/o. The Revenue Divisional Office,
Dindigul,
Dindigul District.

7/9



WEB COPY



W.P(MD)No.28217 of 2024



WEB COPY



W.P(MD)No.28217 of 2024

M.DHANDAPANI, J.

ps

W.P(MD)No.28217 of 2024

24.07.2026