



W.P.(MD)No.12839 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.12839 of 2022

P.Sarasammal @ Saraswathi

... Petitioner

Vs

1.The District Collector,
Madurai District,
Madurai.

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

3.The Revenue Divisional Officer,
Collectorate,
Madurai District,
Madurai.

4.Chellapandi
5.Anandapandi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the third respondent to cancel the settlement deeds in favour of the respondents 4 and 5 by way if disposing the petition in Na.Ka.503/2022 within stipulated time by this Court.



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For Petitioner : Mr.P.Ranjith Kumar

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R.1 to R.3

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3.

2. The petitioner is the mother of the fourth respondent. She had executed the settlement deed in his favour in the year 2001 (Document No.401 of 2001). To cancel the same, she filed a petition before the Maintenance Tribunal / third respondent. Since the same has not been disposed of, the present writ petition has been filed for directing the Maintenance Tribunal to cancel the settlement deed executed in favour of the respondents 4 and 5. I cannot grant the relief sought for. A learned Judge of this Court in ***W.P.No. 3888 of 2018 dated 09.07.2018 (S.Neelavathi Vs. District Magistrate)*** had held that under provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, document that was executed before the said statute came into force, cannot be cancelled. I have also followed the said judgment in quite a few cases. When the petition mentioned settlement deed was executed wayback in the year 2001 which was admittedly before the said Act came into force, directing the third respondent to cancel the document does not arise at



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all. The petitioner as a Senior Citizen and mother of the fourth respondent is, of course, entitled to other rights, such as, maintenance. I have only held that she cannot seek cancellation of the document that was executed before statute came into force. Her other rights are left open. The writ petition is dismissed. No costs.

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Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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