



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2023

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.844 of 2022
and W.M.P.No.926 of 2022

S.Senthilkumar

.. Petitioner

Vs.

- 1.The District Collector,
Ariyalur District.
- 2.The Revenue Divisional Officer,
Udayarpalayam,
Ariyalur District.
- 3.The District Registrar,
Ariyalur District.
- 4.The Sub Registrar,
Jayankondam,
Ariyalur District.
- 5.The District Social Welfare Officer,
Ariyalur District.
- 6.The Tahsildar,
Udayampalayam Taluk,
Ariyalur District.



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7.The Village Administrative Officer,
Periya Valayam Village,
Ariyalur District.

8.Manimegalai
9.S.Mageswaran
10.Vanathi
11.Tamil Selvi
12.Kannan

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorari, calling for the records of the 1st
respondent dated 15.12.2021 made in Na.Ka.No.E4/7410/2021 quash the
same.

For Petitioner

.. Mr.M.Devaraj

For Respondents

For R1 to R7

.. Mr.T.Seenivasan

Special Government Pleader

For R8, R9 & R12 .. Mr.R.Venkatesulu

ORDER

The writ petition has been filed in the nature of Certiorari, seeking
records of the first respondent/the District Collector, Ariyalur District dated
15.12.2021 in Na.Ka.No.E4/7410/2021 and to quash the same.



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2. The issue surrounds the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The petitioner is the son. The 8th respondent is the mother. The 9th and 12th respondents are the other sons . The 10th and 11th respondents are the daughters. The father had a property and he had settled the said property in favour of the petitioner and also in favour of the other two sons. Totally three Settlement Deeds were executed vide Document Nos.1566, 1564 and 1565 of 2010 before the Sub-Registrar, Jayankondam.

3. Thereafter, not only the father, but also the mother, had both approached the second respondent / the Revenue Divisional Officer, Udayarpalayam, Ariyalur District, seeking, recourse under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

4. The matter then traversed to the first respondent/ the District Collector, Ariyalur District, and in the meanwhile, the father died. The first respondent / District Collector, Ariyalur District, passed an order cancelling the said Settlement Deeds. This order was passed after the death of the



father. As the settler / the father died. The property now comes back to him.

This is an issue which will have to be examined only by the District Collector, to take a further decision, in view of the death of the father and examine whether the cancellation of the said Settlement Deeds were the correct order to have been passed. It is not known whether the District Collector had passed the order with the knowledge that the father had died or without such knowledge. But, the order by which the three Settlement Deeds had been cancelled, will certainly have to be interfered with. The matter has to be remitted back to the first respondent / District Collector to pass orders afresh, in the light of the fact that the settler / the father Shanmugasundaram had died and will have to be taken a decision about the petition filed by the mother under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

5. One factor, which the first respondent can take into consideration is that the petitioner herein has agreed to pay maintenance to the 8th respondent / the mother and as a matter of fact, today, in open Court, has handed over a Demand Draft for a sum of Rs.60,000/- (Rupees Sixty Thousand only) to the learned counsel for the 8th respondent.



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6. Let the petitioner therefore and honour his commitment to pay maintenance to the mother. I am specifically not entering into any further details, since the matter is remanded back to the District Collector, Ariyalur District, and all the issues will have to be re-examined by him.

7. The order impugned is set aside.

8. The first respondent / District Collector, Ariyalur, shall re-examine the entire issues, keeping in mind the two factors namely;

i) The settler / Shanmugasundaram is now dead.

ii) The petitioner herein has committed himself to pay the maintenance to the 8th respondent/his mother.

9. Keeping in view of these two factors, let the first respondent / District Collector, Ariyalur District, pass a fresh order, after issuing notice to all the parties concerned and take a decision on the nature of the order to be passed.



10. The writ petition stands allowed. It is also held that consequent to the death of the father, none of the parties must deal with the property till the first respondent / District Collector, Ariyalur, passes any final orders. No costs. Consequently, connected miscellaneous petition is closed.

03.03.2023

Index:Yes/No
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To

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C.V.KARTHIKEYAN,J.

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