



W.A.No.2745 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.2745 of 2023

Sarasu

.. Appellant

Vs

1.R.Kamalam

2.The District Collector and
District Magistrate,
Ariyalur District.

3.The Presiding Officer,
Tribunal for Special Cases and
Revenue Divisional Officer,
Udayarpalayam Division,
Ariyalur District.

.. Respondents

PRAYER: Appeal under Clause 15 of the Letters Patent against the order dated 19.12.2022 passed by the learned Single Judge in W.P.No.324 of 2022.

For the Appellant : Mr.A.Kumar

For the Respondents : Mr.S.Kamadevan
for respondent No.1



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: Mr.P.Muthukumar
State Government Pleader
assisted by
Mrs.R.Anitha
Spl. Government Pleader
for respondent No.2

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.A.Kumar, learned counsel for the appellant; Mr.S.Kamadevan, learned counsel for the first respondent; and, Mr.P.Muthukumar, learned State Government Pleader, assisted by Mrs.R.Anitha, learned Special Government Pleader for respondent No.2.

2. The appellant was original third respondent in a writ petition filed by the first respondent bearing W.P.No.324 of 2022.

3. The present first respondent/original writ petitioner had challenged the order passed by the Presiding Officer, Tribunal for Special Cases and the Revenue Divisional Officer. The third



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respondent had cancelled the settlement deed executed between the present appellant and the first respondent.

4. According to learned counsel for the appellant, the learned Single Judge did not consider the case put forth by the appellant before the third respondent. The third respondent had considered the case of both the parties and passed the order.

5. According to learned counsel for the first respondent, the settlement deed is of the year 2002. The Maintenance and Welfare of Parents and Senior Citizens Act came in the year 2007. The said Act did not have retrospective effect.

6. The learned Single Judge has observed the present appellant has already filed O.S.No.105 of 2020 before the Sub Court, Ariyalur, seeking cancellation of the settlement deed and that the subject matter is *sub judice* before the civil court. The learned Single Judge further observed that the order passed by him shall not preclude the civil court from examining the settlement deed, the



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cancellation of the settlement deed and other subsequent transactions on the property in accordance with the evidence produced before the civil court. It is also observed that the parties should be granted full opportunity to produce necessary oral and documentary evidence.

7. In view of the pendency of the suit before the civil court and the observations made by the learned Single Judge, no prejudice would be caused to any of the parties.

The writ appeal is disposed of accordingly. There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No
sasi



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To:

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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

(sasi)

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