



WP (MD) No.3955 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.3955 of 2022 and
WMP(MD) Nos.3398 & 3399 of 2022

Ramajeyam.K

... Petitioner

Vs

1.The Revenue Divisional Officer,
Musiri,
Tiruchirappalli District.

2.Kailsam

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the impugned proceedings of 1st respondent in Na.Ka.A6/4378/2020, dated 21.01.2022 issued under Maintenance and Welfare of Parents and Senior Citizens Act, 2007, and quash the same as illegal.



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For petitioner : Mr.V.R.Shanmuganathan
For R1 : Mr.M.Sarangan
Additional Government Pleader
For R2 : Mr.S.Muthukrishnan

ORDER

This writ petition is filed as against the orders passed by the Revenue Divisional Officer, Trichy, under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The second respondent, who is the father of the petitioner has filed an application for maintenance and for cancellation of the document, dated 12.03.2018, which was registered in favour of the petitioner has approached the first respondent/the Revenue Divisional officer and the Revenue Divisional Officer, by his order dated 21.01.2022 has cancelled the settlement deed executed by the second respondent in favour of the petitioner. As against that order, the petitioner has filed this writ petition.



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2.The learned counsel appearing for the petitioner submits that no doubt the second respondent has executed a settlement deed in his favour on 12.03.2018. In the meantime, the second respondent has also executed a similar settlement deed in favour of his another son. The second respondent has equally settled the land to an extent of 18.5 acres to both his sons. Now, the second respondent has filed a petition before the Revenue Divisional Officer under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 as if this petitioner is not maintaining him.

3.The learned counsel appearing for the petitioner by referring the settlement deed submits that there is no specific clause/condition in the settlement deed. In the absence of any condition in the settlement deed, it cannot be cancelled.



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4.The learned Additional Government Pleader submits that after perusing the settlement deed relied on by the petitioner submits that there is no specific clause in the settlement deed.

5.The learned counsel appearing for the second respondent submits that the second respondent is aged about 75 years and he is undergoing dialysis twice in a week. Therefore, he requests some monthly maintenance. The learned counsel has insisted that he is not having any space to reside along with his wife and now he is in a godown.

6.Considering the rival submissions made and in order to give quietus to this issue, this Court appointed Mr.N.Balakrishnan, as a mediator. The learned senior counsel after conducting mediation has made certain suggestions and both the parties have agreed for the terms.



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7.In pursuance of the mediation, the petitioner gives an undertaking that his parents can reside in the ground floor of D.No. 3/1B till his life time. The petitioner agreed to pay a sum of Rs.10,000 as monthly maintenance or Rs.10,00,000 Lakhs as a lumpsum settlement. The learned counsel for the second respondent agreed for receiving Rs.10,00,000/- as a lumpsum settlement.

8.In view of the above, this writ petition is allowed in the following terms:

- i. The second respondent along with his wife can reside in D.No. 3/1B till their life time.
- ii. A sum of Rs.10,00,000/- shall be paid by the petitioner to his father/ the second respondent herein within a period of two months from the date of receipt of a copy of this order.
- iii. The impugned order passed by the Revenue Divisional



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Officer, Trichy in Na.Ka.A6/4378/2020, dated 21.01.2022, under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is hereby set aside. No costs. Consequently, connected Miscellaneous Petitions are closed.

20.09.2023

NCC :Yes/No
Index :Yes/No
Internet:Yes
vrn

To

The Revenue Divisional Officer,
Musiri,
Tiruchirappalli District.



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B.PUGALENDHI, J.

vrn

Order made in
WP(MD)No.3955 of 2022 and
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