



WP(MD)No.17213 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **06.10.2023**

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.17213 of 2020

and

W.M.P.(MD)No.14402 of 2020

N.Radhamani

...Petitioner

(Petitioner is substituted vide order of this Court dated 06.10.2023 in WMP(MD)No.8947 of 2021.)

/Vs./

1.The Chief Secretary,
(Chair Person of State Council of Senior Citizens),
St. George Fort,
Chennai – 600 009.

2.The District Collector,
Madurai,
Madurai District.

3.The District Registrar,
Registrar Office,
Palam Road, Mahal,
Madurai District.

4.N.Sivakumar

...Respondents

(4th respondent is impleaded vide Order of this Court dated 22.04.2021 in WMP(MD)No.1172 of 2021.)



WP(MD)No.17213 of 2020

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to take appropriate action on the petitioner's representation dated 12.10.2020 in respect of petitioner house properties consisting of 542 square feet at Madurai Town Survey Ward No.3, Madurai South Sub Division Now it is Old Door No.1, D.S.P.No. S2818, S2818/2, Thillai Naickpuram Lane, Corporation Ward No.43, Madurai City with in stipulated time fixed by this Court.

For Petitioner : Mr.K.Gokul

For Respondents : Mr.R.Ragavendran (R1 to R3)

Government Advocate

Mr.S.Vellaichamy (R4)

ORDER

This writ petition was originally filed by father of the fourth respondent seeking for a direction to the respondents to cancel the settlement deed that was executed in favour of his son on the ground that son is not maintaining his parents. During the pendency of this writ petition, father died and the mother of the fourth respondent has substituted herself in his place.

2. Heard Mr.K.Gokul, learned counsel for the petitioner, Mr.R.Ragavendran, learned Government Advocate for the official respondents and Mr.S.Vellaichamy, learned counsel for the fourth respondent.



WP(MD)No.17213 of 2020

3. Insofar as the prayer for cancellation of settlement deed dated 27.06.2014, the same is not sustainable in view of the judgment of the Hon'ble Apex Court in ***Sudesh Chhikara vs. Ramti Devi and Another*** reported in **2022 SCC OnLine SC 1684**. That apart, the executant of the settlement deed has already died and therefore, the mother of the fourth respondent cannot now seek for cancellation of the settlement deed.

4. The learned counsel for the fourth respondent submitted that he is in the process of disposing the property and that he will deposit a sum of Rs.10,00,000/- in the name of his mother in the bank.

5. The learned counsel for the petitioner submitted that the fourth respondent is employed in USA and he is now well settled and therefore, the fourth respondent can be directed to deposit some more amount in the name of his mother.

6. In the considered view of this Court, the fourth respondent has voluntarily come to deposit a sum of Rs.10,00,000/-. It is left open to the fourth respondent to deposit some more amount in the name of his mother and a positive direction cannot be given in this regard and this Court can only



WP(MD)No.17213 of 2020

persuade the fourth respondent to deposit atleast Rs.15,00,000/- (Rupees Fifteen Lakhs only) in the name of his mother considering his financial position.

7. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

06.10.2023
(2/2)

NCC : Yes/No
Internet :Yes/No
Index :Yes/No
sm



WP(MD)No.17213 of 2020

TO:-

WEB COPY

- 1.The Chief Secretary,
(Chair Person of State Council of Senior Citizens),
St. George Fort,
Chennai – 600 009.
- 2.The District Collector,
Madurai,
Madurai District.
- 3.The District Registrar,
Registrar Office,
Palam Road, Mahal,
Madurai District.



WEB COPY



WP(MD)No.17213 of 2020

N.ANAND VENKATESH, J.

sm

Order made in
W.P.(MD)No.17213 of 2020
(2/2)

Dated:
06.10.2023