



W.P.(MD)No.18210 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.18210 of 2021

Pushpavalli

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Cum Chief Officer of Senior Citizen
Welfare and Maintenance Tribunal,
Revenue Divisional Office,
Thirumangalam,
Madurai District.

2.Vani Devi

3.Saravanakumar

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling the records pertaining to the impugned order passed by the 1st Respondent vide his Proceedings in Mu.Mu. No.559/2019 / E dated 20.09.2021 and to quash the same as illegal and consequently direct the 1st Respondent to cancel the Settlement deed No.1259/2016 executed by the Petition in favour of the 2nd Respondent on 29.03.2016.



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For Petitioner : Mr.D.Senthil
For R-1 : Mr.A.K.Manikkam,
Special Government Pleader
For R-2 : No Appearance
For R-3 : Mr.V.A.Dhana Aravindha Balaji

ORDER

This Writ Petition has been filed challenging the impugned proceedings of the first respondent in Mu.Mu.No.559/2019 / E dated 20.09.2021 and for a consequential direction to the first respondent to cancel the settlement deed that was executed by the petitioner in favour of the second respondent on 29.03.2016.

2. Heard the learned counsel on either side.

3. The petitioner executed a settlement deed in favour of the second respondent on 29.03.2016 with a fond hope that she will be taken care by the second and third respondents, who are none other than her daughter and son. Unfortunately, the children did not take care of the petitioner and an attempt was also made to dispossess the petitioner from



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the property. Under these circumstances, the petitioner made an application before the District Registrar, Madurai, seeking for the cancellation of the settlement deed executed in favour of the second respondent and it was forwarded to the file of the first respondent. An enquiry was conducted by the first respondent and the impugned order dated 20.09.2021 came to be issued dismissing the application and directing the petitioner to work out her remedy in the pending suits. Aggrieved by the same, the present Writ Petition has been filed before this Court.

4. On carefully going through the order passed by the first respondent, it is seen that the application submitted by the petitioner under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, was rejected mainly on the ground that three suits were pending before the Principal District Munsif Court, Madurai and hence, the first respondent thought it fit to direct the petitioner to work out her remedy in the pending suits.



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5. One = suit was filed by the husband of the petitioner in O.S.No.1172 of 2017 seeking for the relief of partition and for allotment of half share in the property and also for declaring the settlement deed executed in favour of the second respondent as null and void and for other consequential reliefs. O.S.No.317 of 2020 was filed by the petitioner seeking for the relief of permanent injunction. O.S.No.480 of 2020 was filed by the third respondent seeking for the relief of permanent injunction. It is brought to the notice of this Court that the suits that were filed by the petitioner and her husband came to be dismissed for default and the suit filed by the son viz., the third respondent is pending.

6. This Court also carefully gone through the settlement deed dated 29.03.2016 and it is seen that there was no specific condition for providing maintenance to the petitioner which entitles the cancellation of the documents. In view of the same, the Judgment of the Hon'ble Apex Court in the case of *Sudesh Chhikara Vs. Ramti Devi and another* reported in **2022 SCC Online SC 1684** will squarely apply to the facts of the present case.



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7. In view of the above, this Court is not inclined to interfere with the impugned order passed by the first respondent. It is left open to the petitioner to work out her remedy before the competent Civil Court by establishing her right to cancel the settlement deed executed in favour of the second respondent. Except giving this liberty to the petitioner, no further orders can be passed in this Writ Petition.

8. This Writ Petition is disposed of accordingly. No costs.

24.11.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
tsg

To
The Revenue Divisional Officer,
Cum Chief Officer of Senior Citizen
Welfare and Maintenance Tribunal,
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N.ANAND VENKATESH, J

tsg

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