



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2023

CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.24247 of 2023

and

WMP(MD)No.20420 of 2023

N.Senthil Velan

... Petitioner

V.

1.The District Collector,
Ramanathapuram District.

2.The Executive Magistrate and
Revenue Divisional Officer,
Paramakudi, Ramanathapuram District.

3.The Sub Registrar,
Paramakudi Sub Registrar Office,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records pertaining to the order passed by the second respondent in his proceeding No.Pa.Mu.A2/6053/2021 dated 19.05.2022 and quash the same as illegal and unconstitutional.

For Petitioner : Mr.M.Shakul Hameed

For Respondents : Mr.K.Balasubramani,
Special Government Pleader



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ORDER

Heard both sides.

2.The petitioner's mother Maragatham executed a settlement deed dated 13.06.2019 in favour of her grandson born through the petitioner. She filed petition before the Maintenance Tribunal for cancelling the said settlement deed. On 19.05.2022, the settlement deed was cancelled by the Maintenance Tribunal. That led to the filing of this writ petition.

3.Maragatham passed away in the meanwhile. The impugned order is to be set aside on more than one ground. Copy of the settlement deed has been enclosed in the typed set of papers. It does not contain any condition as envisaged under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The decision of the Hon'ble Supreme Court in **Sudesh Chhikara vs Ramti Devi | 2022 LiveLaw (SC) 1011** will apply in this case. Secondly, the beneficiary in this case was the petitioner's minor son. He was not shown as party in the petition. The petitioner alone was shown as party.



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4. For the above said reasons, the impugned order is set aside. This writ petition is allowed. No costs. Connected miscellaneous petition is closed.

19.12.2023

Index : Yes / No
Internet : Yes/ No
skm

To

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Ramanathapuram District.
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Paramakudi Sub Registrar Office,
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G.R.SWAMINATHAN, J.

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