



W.P(MD)No.24756 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2023

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.24756 of 2023

and

W.M.P.(MD)Nos.20945, 20946 & 20947 of 2023

Chinnaponnu

... Petitioner

**Vs.**

1.The District Collector,  
Office of the Collectorate Building,  
Trichy District.

2.The Revenue Divisional Officer,  
Office of the Revenue Divisional Office,  
Lalgudi, Trichy District.

3.The Sub Registrar,  
Office of the Sub Registrar,  
Manachanallur, Trichy District.

4.Murugan

5.Revathi

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 1st respondent in Na.Ka.G1/38205/2021 dated 11.06.2022 and quash the same and consequently directing the 1st respondent to cancel the gift deed in Document No. 1836/2005 dated 31.08.2005 and restore the same in the petitioner's name.



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For Petitioner : Mr.D.S.Haroon Rasheed

For Respondents : Mr.M.Prakash  
Additional Government Pleader for R1 to R3

### ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the official respondents. Issuance of notice to the private notices is dispensed with.

2. The petitioner had executed the petition mentioned document in favour of her son and grand daughter. She wants the same to be cancelled. She invokes the provisions of the Maintenance and Welfare of Parents and Senior Citizen Act. The authorities rightly declined to intervene. This was because, the settlement deed was executed way back on 31.08.2005. The Senior Citizen Act came into effect only later. A learned Judge of this Court in the decision reported in *(2018) 6 CTC 21 (K.Neelavathy Vs. The District Magistrate)* held that the provisions of the Senior Citizen Act cannot be invoked in respect of documents executed earlier in point of time. It is for this reason I decline to interfere. At the same time, the petitioner cannot be left remedyless. She is entitled to seek maintenance against her son. The



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petitioner is therefore permitted to file a petition under Section 125 of Cr.P.C before the learned trial Magistrate. As and when such petition is filed, the learned trial Magistrate is directed to take the same on file immediately and without any delay. Notice shall be issued to the respondent therein and maintenance case itself will be disposed of on merits and in accordance with law within a period of four months thereafter.

3. With the aforesaid liberty and direction, the writ petition is dismissed.

No costs. Consequently, connected miscellaneous petitions are closed.

**12.10.2023**

Index : Yes / No  
Internet : Yes/ No  
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To

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**G.R.SWAMINATHAN, J.**

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