



W.P(MD)No.26711 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26711 of 2023

1.P.Perumayi

2.M.Perumal Thevar

... Petitioners

Vs.

1.The District Collector,
Office of the District Collector,
Theni District,
Theni.

2.The Revenue Divisional Officer,
Tribunal of Maintenance and Welfare of Parents
and Senior Citizens,
Office of the Revenue Divisional Officer,
Periyakulam,
Theni District.

3.P.Rathinasamy

4.P.Chandrasekar

5.P.Murugan



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6.P.Inbavalli

... Respondents

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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 of the first respondent's impugned order in Chae.Mu.Na.Ka.No.1138/A1/2023 dated 12.07.2023 and quash the same as devoid of merits and consequently directing the respondents 1 and 2 to cancel the registered Gift settlement deed document No.2529/2016 dated 08.06.2016 for Agricultural land an extent of 3 Acres 17 1/4 cents and registered settlement deed document No.3727/2016 dated 14.10.2016 for Agricultural land an extent of 6 Acres 42 3/4 cents and handover the possession to the petitioners under Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

For Petitioners : Mr.A.Haja Mohideen

For Respondents : Mr.S.RA.Ramachandran
Additional Government Pleader
for R.1 & R.2

ORDER

Heard the learned counsel appearing for the writ petitioners and the learned Additional Government Pleader appearing for the official respondents.



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2. The petitioners wanted the Maintenance Tribunal to cancel the petition mentioned settlement deed executed in favour of the fifth respondent. The Maintenance Tribunal as well as the District Collector did not accept the petitioner's request. Maintenance amount was alone awarded. Challenging the said decision, the present writ petition came to be filed.

3. It is well settled that only if the settlement deed contains a condition as regards maintaining the executants, the question of invoking the jurisdictional Tribunal under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 for cancellation will arise. In this case no condition as envisaged in the statutory provision has been incorporated in the settlement document. That is why the authorities declined to cancel the document. No interference is warranted.

4. This writ petition stands dismissed. It is open to the petitioners to move the authorities or any other Court for enhancement of the



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maintenance amount and any other relief that may be available in law.

There shall be no order as to costs.

07.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

1.The District Collector,
Office of the District Collector,
Theni District,
Theni.

2.The Revenue Divisional Officer,
Tribunal of Maintenance and Welfare of Parents
and Senior Citizens,
Office of the Revenue Divisional Officer,
Periyakulam,
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G.R.SWAMINATHAN, J.

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