



W.P. No. 2337 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 26.02.2024**

**CORAM**

**THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU**

**W.P. No. 2337 of 2024**

**and**

**W.M.P. No. 2524 of 2024**

Parthasarathy

... Petitioner

-VS-

1. The District Collector,  
Collectorate Office,  
Chengalpet District.

2. The Revenue Divisional Officer,  
Madurantagam,  
Chengalpet District.

3. Gowri

4. Suseela

5. Devi

6. P.Jothilingam

7. P.Ravi Sankar @ Ravi

... Respondents

**Prayer:-** Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 21.12.2023 vide its proceedings



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in Na.Ka.No.14453/2023/M1 passed by the First Respondent and quash the same consequently direct the First Respondent to declare the settlement deed dated 26.12.2006 registered as Document No.5310 of 2006 before the Sub Registrar Office, Cheyyur as null and void.

For Petitioner : Mr. R.Abdul Mubeen

For Respondents : Mr. S.J.Mohamed Sathik (R1 and R2)  
Government Advocate  
Mr. K.Goviganesan (R3 to R7)

### **ORDER**

Heard Mr. R.Abdul Mubeen, Learned Counsel for the Petitioner, Mr. S.J.Mohamed Sathik, Learned Government Advocate appearing for the First and Second Respondents and Mr. K.Goviganesan, Learned Counsel for the Third to Seventh Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, who is a Senior Citizen, had executed a settlement-deed dated 26.12.2006 registered as Document No. 5310 of 2006 in the office of the Sub-Registrar, Cheyyur transferring his property in favour of the Third to Fifth Respondents, who are his daughters. He had made an application invoking



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Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act,

2007 (hereinafter referred to as 'the Act' for short) for treating that settlement-deed as void before the Second Respondent, who had declined to grant such relief by Order in Ni.Mu.No.3142/2023/Aa dated 10.08.2023, and has been confirmed in appeal under Section 16 of the Act by Order in Na.Ka.No.14453/2023/M1 dated 21.12.2023 passed by the First Respondent. The said orders are challenged in this Writ Petition.

3. It is clear from the plain language of Section 23 of the Act that its benefit would be applicable only in respect of transfers of property made by way of gift or otherwise after the commencement of the Act. The date of commencement of the Act in the State of Tamil Nadu is 29.09.2008, which is after 26.12.2006, when the settlement-deed in this case was executed by the Petitioner in favour of the Third to Fifth Respondents. In view of the same, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition reserving the right of the Petitioner to work out his remedies under common law including Section 31 of the Specific Relief Act, 1963, for that relief claimed and he has made an endorsement to that effect in the court record.



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In fine, the Writ Petition is dismissed as withdrawn with the aforesaid clarifications. Consequently, connected Miscellaneous Petition is closed. No costs.

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Index: Yes/No

NCC: Yes/No

**Note: (i) Issue order copy by 22.03.2024.**

**(ii) Registry is directed to return the impugned order under written acknowledgment after retaining a copy of the same for record.**

gsa

To

1. The District Collector,  
Collectorate Office,  
Chengalpet District.
2. The Revenue Divisional Officer,  
Madurantagam,  
Chengalpet District.



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**P.D. AUDIKESAVALU, J.**

**gsa**

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