



WA No.2328 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WA No.2328 of 2023

S.Gopinath : Appellant

versus

1.The District Collector,
Tiruppur District

2.The Revenue Divisional Officer,
Senior Citizens and Maintenance Welfare Tribunal,
Tiruppur District

3.The Registrar Joint No.1,
Sub Registrar Office, Tiruppur

4.S.Subramaniam

5.R.Tamilarasi

6.S.Poorani

: Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent against the order of the learned Single Judge in WP No.22285 of 2022 dated 27.06.2023.

For Appellant : Mr.N.Manoharan

For Respondents 1 to 3 : Mr.P.Harish,
Government Advocate

For Respondents 4,5 : Mr.V.V.Giridhar

No appearance for the sixth respondent

JUDGMENT

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(Made by the Hon'ble Chief Justice)

We have heard Mr.N.Manoharan, learned counsel for the appellant, Mr.P.Harish, learned Government Advocate, appearing for respondents 1 to 3 and Mr.V.V.Giridhar, learned counsel appearing for respondents 4 and 5.

2. The appellant had filed writ petition challenging the order dated 14.07.2022, passed by the Sub Divisional Magistrate and Revenue Divisional Officer, Tiruppur, thereby cancelling the gift settlement deed bearing Doc.No.2108/2019 executed by the parents, viz. respondents 4 and 5 herein, in favour of the present appellant. Learned Single Judge passed the following order:

“6. In view of the consent view expressed by the learned counsel for the petitioner and the respondents 4 and 5, this Court is inclined to dispose of the Writ Petition with the following directions:



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"The petitioner is directed to hand over one portion of the ground floor to the respondents 4 and 5 within a period of one week from the date of receipt of a copy of this order and the remaining two portions of the ground floor shall be handed over to them within a period of three months thereafter. The respondents 4 and 5 are absolutely entitled for possession and enjoyment of the property till their life time, however they shall not alienate the same."

3. Learned counsel for the appellant submits that the appellant is ready to handover possession of the entire ground floor as directed by this court to respondents 4 and 5. Doc.No.2108/2019, is a settlement deed executed by the parents in favour of the present appellant and in the said settlement deed, there is no clause requiring the present appellant to maintain the parents; and as such, the said document could not have been cancelled.

4. Learned counsel for the parents submits that though the order



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of the learned Single Judge is in the nature of a consent order, as yet, the appellant has not handed over possession of the ground floor to the parents. It was with an expectation that the appellant being the son would maintain the parents, the settlement deed was executed by the parents.

5. Be that as it may, it appears that now the parties are trying to reconcile. The appellant shall handover the vacant possession of the ground floor as directed by the learned Single Judge within fifteen days from today.

6. The parents shall not alienate or create third party interest in respect of the said ground floor. The order of the Sub Divisional Magistrate - Revenue Divisional Officer, Tiruppur, dated 14.07.2022, thereby cancelling the registered settlement deed bearing Doc. No.2108/2019, is set aside.

7. The writ appeal accordingly stands disposed of. There shall be no order as to costs. Consequently, CMP No.19850 of 2023 is closed.



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8. Place the writ appeal on 14.03.2024. The parties shall report compliance of the order.

(S.V.G., CJ.)

(D.B.C., J.)

20.02.2024

Index : Yes/No
Neutral Citation : Yes/No
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