



W.P.Nos.27501 and 31160 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.27501 and 31160 of 2022

and

W.M.P.Nos.26734, 26735, 26736, 26738 and 30594 of 2022
and 32985 of 2023

W.P.No.27501 of 2022:-

1. J.Anand
2. J.SathyaNesan

... Petitioners

Vs

1. The Revenue Divisional Officer cum
Presiding Officer,
Parents and Senior Citizens Tribunal,
Office of the Revenue Divisional Officer,
Ponneri.
2. The Sub-Registrar,
Redhills.
3. The Tahsildar,
Ponneri.
4. Jebamani
5. Sugirtha
6. J.Martin

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of



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India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order of the first respondent herein bearing Na.Ka.No.1018/2022/A1 dated 13.09.2022 and the deed of Cancellation of Settlement dated 20.09.2022 executed by the fourth respondent herein in Document No.12576 of 2022 on the file of the second respondent herein and quash the same and consequently direct the second respondent herein to delete the entry relating to the impugned proceedings in Na.Ka.No.1018/2022/A1 dated 30.09.2022 and the Cancellation Deed dated 20.09.2022 in Doc.No.12576 of 2022 executed by the fourth respondent herein from the encumbrance register in the office of the second respondent.

For Petitioners	: Mr.AR.L.Sundaresan, Senior Counsel for M/s AL.Ganthimathi
For R1 to R3	: Mr.P.Gurunathan Additional Government Pleader
For R4	: Mr.J.Senthamil Arasu
For R5 and R6	: Mr.R.Dillibabu

W.P.No.31160 of 2022:-

1. J.Anand	
2. J.SathyaNesan	... Petitioners

Vs

1. The District Collector, Thiruvallore District, Thiruvallore.	
2. The Revenue Divisional Officer cum Presiding Officer, Parents and Senior Citizens Tribunal,	



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Office of the Revenue Divisional Officer,
Ponneri.

3. The Sub-Registrar,
Redhills.
4. The Tahsildar,
Ponneri.
5. The Inspector of Police,
Redhills, Chennai – 600 052.
6. Jebamani
7. Sugirtha
8. J.Martin

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order of the second respondent herein bearing Na.Ka.No.1018/2022/A1 dated 08.11.2022 quash the same and consequently forbear the respondents from in any manner interfering with the possession and enjoyment of the petitioner property bearing Survey No.110/1, Door No.108, (Old No.2, New No.165/1) Thiru Vi Ka Nagar, Narawarikuppam Village, Ponneri Taluk.

For Petitioners	: Mr.AR.L.Sundaresan, Senior Counsel for M/s AL.Ganthimathi
For R1 to R4	: Mr.P.Gurunathan Additional Government Pleader
For R5	: Mr.R.Kishore Kumar Government Advocate (Crl.side)
For R6	: Mr.J.Senthamilarasu
For R7	: Mr.Karthik Narayanan
For R8	: Mr.Jemmy Vasanth



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COMMON ORDER

W.P.No.27501 of 2022 has been filed challenging the order passed by the first respondent dated 13.09.2022, thereby allowed the complaint lodged by the fourth respondent and cancelled the settlement deed executed in favour of the petitioners and respondents 5 and 6 herein.

2. W.P.No.31160 of 2022 has been filed challenging the order passed by the second respondent dated 08.11.2022, thereby directed the petitioners to hand over the vacant possession of the subject property to the fourth respondent herein.

3. Heard and perused the materials available on record.

4. Pending these writ petitions, one Jebamani, viz., the fourth respondent in W.P.No.27501 of 2022 and 6th respondent in W.P.No.31160 of 2022 died. The petitioners in both the writ petitions and the respondents 5 and 6 in W.P.No.27501 of 2022 and respondents 7 and 8 in W.P.No.31160 of 2022 are children of the deceased. While the said Jebamani was alive, he earned property comprised in S.No.110/1 to an



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extent of 810 sq.ft, situated at No.12, Narawarikuppam Village, Redhills and the same was settled in favour of the petitioners in both the writ petitions and the respondents 5 and 6 in W.P.No.27501 of 2022 and respondents 7 and 8 in W.P.No.31160 of 2022 by the registered settlement deed dated 29.04.2019 vide Document No.4400 of 2019, thereby allotted equal shares to them as 1/4.

5. Thereafter, there was dispute between them and the petitioners also failed to maintain the said Jebamani and as such, the said Jebamani was constrained to file a complaint under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 before the first respondent in W.P.No.27501 of 2022 and the second respondent in W.P.No.31160 of 2022. On receipt of the said complaint, after giving an opportunity of hearing to the petitioners and the respondents 4 to 6 in W.P.No.27501 of 2022 and the respondents 6 to 8 in W.P.No.31160 of 2022 allowed the complaint, thereby set aside the settlement deed executed in favour of the petitioners and the respondents 5 and 6 in W.P.No.27501 of 2022 and respondents 7 and 8 in W.P.No.31160 of 2022 by their father. Pursuant to the said order, the petitioners failed to



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comply with the said order and as such, the fourth respondent in W.P.No.27501 of 2022 filed a petition before the first respondent in W.P.No.31160 of 2022 for implementing the order passed by the first respondent herein in W.P.No.27501 of 2022.

6. On receipt of the said application, the petitioners in both the writ petitions were directed to hand over the vacant possession of the subject property in favour of the fourth respondent in W.P.No.27501 of 2022 and 6th respondent in W.P.No.31160 of 2022. Pending writ petition, the fourth respondent in W.P.No.27501 of 2022 and 6th respondent in W.P.No.31160 of 2022 died. Therefore, the petitioners in both the writ petitions and the respondents 5 and 6 in W.P.No.27501 of 2022 and respondents 7 and 8 in W.P.No.31160 of 2022 being the legal heirs are entitled for equal shares.

7. That apart, after cancellation of the settlement deed dated 29.04.2019, when the fourth respondent in W.P.No.27501 of 2022 and 6th respondent in W.P.No.31160 of 2022 was alive, he had executed a Will dated 20.09.2022 in favour of the 5th and 6th respondents in W.P.No.27501 of 2022 and 7th and 8th respondents in W.P.No.31160 of



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2022. However, it is disputed by the petitioners in both the writ petitions.

Therefore, in view of the demise of the fourth respondent in W.P.No.27501 of 2022 and 6th respondent in W.P.No.31160 of 2022, the orders passed by the first respondent in W.P.No.27501 of 2022 and second respondent in W.P.No.31160 of 2022 cannot be sustained and are liable to be quashed. Accordingly, the impugned orders bearing Na.Ka.No.1018/2022/A1 dated 13.09.2022 and 08.11.2022 are hereby quashed. The settlement deed dated 29.04.2019 registered vide Document No.4400 of 2019 executed in favour of the petitioners in both the writ petitions and the respondents 5 and 6 in W.P.No.27501 of 2022 and respondents 7 and 8 in W.P.No.31160 of 2022 is hereby restored. Further, the petitioners in both the writ petitions and the respondents 5 and 6 in W.P.No.27501 of 2022 and respondents 7 and 8 in W.P.No.31160 of 2022 have right to enjoy the subject property as per their respective shares allotted in the settlement deed dated 29.04.2019 registered vide Document No.4400 of 2019. If there is any grievance in respect of allotment of shares as per the settlement deed, the petitioners in both the writ petitions and the respondents 5 and 6 in W.P.No.27501 of 2022 and respondents 7 and 8 in W.P.No.31160 of 2022 are at liberty to approach



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the Civil Court for appropriate relief in the manner known to law.

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8. Accordingly, these writ petitions are allowed. Consequently, connected Miscellaneous petitions are closed. No costs.

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Internet: Yes
Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non Speaking order
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To

1. The District Collector,
Thiruvallore District, Thiruvallore.
2. The Revenue Divisional Officer cum
Presiding Officer,
Parents and Senior Citizens Tribunal,
Office of the Revenue Divisional Officer,
Ponneri.
3. The Sub-Registrar,
Redhills.
4. The Tahsildar,
Ponneri.
5. The Inspector of Police,
Redhills, Chennai – 600 052.

G.K.ILANTHIRAIYAN. J.



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