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W.P.No. 26760 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.26760 of 2024

and

W.M.P.Nos.29261 & 29262 of 2024

P.Kamala

....

Petitioner

Vs

1.The District Magistrate/The District Collector,
Chennai District,
Singaravelar Maaligai,
Chennai – 600 001.

2.The Sub Registrar,
Anna Nagar Sub Registrar's Office,
VGP Nagar,
Mogappair West,
Mogappair, Chennai – 600 037.

3.V.Annapoorani

4.S.Jayarani

5.G.Ravi

....

Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the first respondent in proceedings Che.Mu.Na.Ka.No.795/A1/2024 dated 13.08.2024, quash the same and consequently direct the respondents 1 & 2 to cancel the settlement deed executed by the petitioner in favour of her daughters, the



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respondents 3 & 4, on 09.06.2016 registered as Document No.2475 of 2016 before the Sub Registrar of Anna Nagar, under the Maintenance and Welfare of Parents and Senior Citizens Act 2007.

For Petitioner : M/s.K.M.Valsala
For R1 : Mr.S.J.Mohamed Sathik
Government Advocate
For R2 : Mr.T.Chezhiyan
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the order dated 13.08.2024 passed by the first respondent, thereby rejected the appeal filed by the petitioner as against the order passed by the Revenue Divisional Officer, South Chennai, dated 07.11.2023.

2. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the first respondent and the learned Additional Government Pleader appearing for the second respondent and perused the materials available on record.

3. The petitioner, being the mother, had executed a settlement deed in respect of shop No.T/D-26 admeasuring 156.88 sq.ft. in Anna Fruit Market of Koyambedu, Wholesale Market Complex, Koyambedu, Chennai, which was originally allotted in favour of the petitioner's



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husband and subsequently, she attained the same through a Will executed in favour of her son. The petitioner was given life time estate.

Thereafter, the son of the petitioner died leaving behind the petitioner, his wife and two children as his legal heirs. Thereafter, the Chennai Metropolitan Development Authority had executed a sale deed in favour of the petitioner. Subsequently, the daughters of the petitioner insisted the petitioner to execute a mortgage deed to avail loan and obtained the signature from the petitioner and executed a settlement deed in their favour vide document No.2475 of 2016. Thereafter, the daughters of the petitioner neglected to maintain the petitioner. Therefore, the petitioner approached the Revenue Divisional Officer, South Chennai through a complaint. However, it was rejected on the ground that the complaint is not maintainable under Section 23(1) of the Maintenance and Welfare of the Parents and Senior Citizen Act, 2007, as undertaken by the petitioner and dismissed the complaint with liberty to approach the Civil Court for appropriate relief. Aggrieved by the same, the petitioner preferred an appeal and the same was also dismissed on the very same ground. Hence, the present writ petition.

4. A perusal of the complaint and the submissions of the



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learned counsel for the petitioner revealed that the complaint lodged by the petitioner under Section 23(1) of the Maintenance and Welfare of the Parents and Senior Citizen Act, 2007, is very much maintainable. Therefore, the orders passed by the Revenue Divisional Officer, South Chennai, dated 07.11.2023 and the appeal order passed by the first respondent dated 13.08.2024 are liable to be quashed. Accordingly, it is hereby quashed. The complaint is remanded to Revenue Divisional Officer, South Chennai, for fresh disposal. The Revenue Divisional Officer, South Chennai, is directed to conduct enquiry, after issuance of notice to the petitioner and the counter parties and after giving an opportunity of hearing to them and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition stands allowed.

Consequently, connected miscellaneous petitions are closed. No costs.

13.09.2024

Internet : Yes/No

Index: Yes/No

Neutral Citation : Yes/No

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To



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1.The District Magistrate/The District Collector,
Chennai District,
Singaravelar Maaligai,
Chennai – 600 001.

2.The Sub Registrar,
Anna Nagar Sub Registrar's Office,
VGP Nagar,
Mogappair West,
Mogappair, Chennai – 600 037.

Copy to :

The Revenue Divisional Officer,
South Chennai.



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G.K.ILANTHIRAIYAN, J.

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