



W.P.No.28144 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.28144 of 2022
and W.M.P.No.27433 of 2022

C.Annal

... Petitioner

Vs

1. The District Collector,
Office of District Collector,
Villupuram, Villupuram District.
2. The Revenue Divisional Officer / The Sub Collector,
Office of the RDO / Sub Collector,
Thindivanam, Villupuram District.
3. The Tahsildar,
Gingee Taluk Office,
Gingee, Villupuram District.
4. The Sub Registrar,
Office of SRO,
Ananthapuram,
Gingee 604 202,
Villupuram District.
5. The Village Administrative Officer,
Office of VAO,
Thandavasamuthram Village 604 151,
Gingee Taluk, Villupuram District.
6. Savariammal

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records related to the impugned proceedings bearing Na.Ka.No.1354 / A2 / 2022 dated ...09.2022 (dispatched on 10.10.2022) passed by the 1st Respondent herein and quash the same in respect of the cancellation of settlement deeds in 1113/1988 executed by the 6th Respondent and 943/2009 executed by the husband of the 6th Respondent to and in favour of the petitioner's husband.

For Petitioner	: Mr.Father Xavier Arulraj, Senior Counsel for Mr.V.R.Appaswamee
For R1 to R5	: Mr.P.Gurunathan Additional Government Pleader
For R6	: Mr.N.K.Susruthan for M/s S.Priyadarshini

ORDER

This writ petition has been filed challenging the order passed by the first respondent bearing Na.Ka.No.1354 / A2 / 2022 dated ...09.2022 (dispatched on 10.10.2022), thereby cancelled the settlement deed executed by the 6th respondent and her husband in favour of the petitioner's husband.

2. Heard both sides and perused the materials available on record.
3. The petitioner is the daughter-in-law of the 6th respondent. The



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6th respondent and her husband owned properties comprised in S.Nos.287/5, 304/3C, 304/2B, 304/3C and the properties comprised in S.Nos.286/2A, 2B, 2C, 3A, 3B, 3C and 3D situated at Thandavasumuthram Village, Gingee Taluk, Villupuram. While being so, the 6th respondent settled the property comprised in S.Nos.287/5, 304/3C, 304/2B, 304/3C, situated at Thandavasumuthram Village, Gingee Taluk, Villupuram in favour of the petitioner's husband by the settlement deed dated 30.12.1988 registered vide Document No.1113/1988. Thereafter, the husband of the 6th respondent also executed a settlement deed dated 26.08.2009 registered vide Document No.943 of 2009 in favour of the petitioner's husband in respect of the property comprised in S.Nos.286/2A, 2B, 2C, 3A, 3B, 3C and 3D situated at Thandavasumuthram Village, Gingee Taluk, Villupuram.

4. Till the lifetime of the 6th respondent's husband and the petitioner's husband, there was no issue in respect of execution of settlement deeds. While being so, the husband of the 6th respondent died on 21.10.2015. Thereafter, the petitioner's husband died on 27.10.2020. After demise, the 6th respondent lodged a complaint alleging that she was



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not maintained by the petitioner and as such, prayed to cancel the settlement deed executed by her husband and the 6th respondent in favour of the petitioner's husband. On receipt of the complaint, the second respondent enquired the complaint and ordered to pay a sum of Rs.10,000/- as monthly maintenance payable by the petitioner in favour of the 6th respondent. However, aggrieved by the same, the petitioner herein filed an appeal before the first respondent. The first respondent set aside the order passed by the second respondent and cancelled the settlement deeds executed by the 6th respondent and her husband in favour of the petitioner's husband.

5. Admittedly, in order to maintain the complaint under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, for the settlement deed which was executed by the 6th respondent on 30.12.1988, the settlement deed should be executed after commencement of the Act. Therefore, the 6th respondent cannot seek cancellation of the settlement deed.

6. Insofar as another settlement deed executed by the husband of



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6th respondent is concerned, admittedly, he executed the settlement deed in favour of the petitioner's husband. Now, he is no more and he died on 27.10.2020 itself. That apart, as ordered by the second respondent, the petitioner is depositing a sum of Rs.10,000/- as monthly maintenance in the account opened in the name of the 6th respondent.

7. Therefore, the first respondent without application of mind mechanically cancelled the settlement deeds which were executed in favour of the petitioner's husband. By the order dated 22.12.2023, this Court already set aside the portion of the order, thereby set aside the settlement deed executed by the 6th respondent husband dated 30.12.1988. Insofar as the settlement deed executed by the husband of the 6th respondent in favour of the petitioner's husband is concerned, it cannot be cancelled since the petitioner's husband died on 27.10.2020. Though the second respondent ordered monthly maintenance of Rs.10,000/-, the petitioner is depositing a sum of Rs.20,000/- as monthly maintenance. Further, the petitioner is also directed to deposit the said maintenance amount as ordered by the second respondent in the account opened in the name of the 6th respondent.



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8. In view of the above, the order impugned in this writ petition cannot be sustained and is liable to be quashed. Accordingly, the order passed by the first respondent bearing Na.Ka.No.1354 / A2 / 2022 dated ...09.2022 (dispatched on 10.10.2022), is hereby quashed.

9. The petitioner shall pay the maintenance of Rs.10,000/- in favour of the 6th respondent by depositing in the account of the 6th respondent till her lifetime. The 6th respondent is permitted to withdraw the same. The 6th respondent can very well live in her residence situated in her native place. i.e, the property which was already settled by the 6th respondent in favour of the petitioner's husband. Therefore, the petitioner shall not interfere with the peaceful possession and enjoyment of the 6th respondent's residence situated in the native place i.e, the property settled in favour of the petitioner's husband by her and her husband. If the petitioner interferes with her peaceful possession and enjoyment of the residence, she can lodge a complaint before the jurisdictional police station and on receipt of the same, the jurisdiction police is directed to take appropriate action as against the petitioner, in the manner known to



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law.

10. Accordingly, this writ petition is allowed. Consequently, connected Miscellaneous petition is closed. No costs.

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Internet: Yes
Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non Speaking order
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G.K.ILANTHIRAIYAN. J.

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To

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