



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.3799 of 2024

and

WMP(MD)No.3702 of 2024

V.Velu

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District.

2.The Revenue Divisional Officer,
Nagercoil, Kanyakumari District.

3.V.Ganesan

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order vide Mu.Mu.C3/1422814/2023, dated 08.01.2024 issued by the 1st respondent and quash the same as illegal and consequently directing the 1st respondent to revoke the settlement deed vide Doc.No.1974/2013 dated 06.06.2013 executed by petitioner in favour of his son Ganesan at Idalakudi, Sub Registrar Office.

For Petitioner : Mr.V.Rajiv Rufus

For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader for R1 & R2

Mr.A.M.O.Gurunarayana Rao for R3



ORDER

Heard both sides.

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2.The petitioner is the father of the third respondent. The petitioner had executed a settlement deed dated 06.06.2013 in favour of his son. For cancelling the same, the petitioner moved the Maintenance Tribunal. The Maintenance Tribunal declined to cancel the document but granted the relief of maintenance. Not satisfied with the same, the petitioner moved the appellate authority. The appellate authority confirmed the order passed by the maintenance tribunal. Challenging the same, this writ petition came to be filed.

3.I wanted to know if any condition envisaged under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 has been incorporated in the document. The answer is in the negative. Respectfully applying the principles set out in **2022 SCC OnLine SC 1684 (Sudesh Chhikara v. Ramti Devi)**, the impugned orders are sustained. The petitioner is given liberty to move the jurisdictional civil court for relief. I make it clear that the dismissal of the application of the petitioner by the maintenance tribunal or the appellate authority will not come in the way of the petitioner from invoking the civil court's jurisdiction.



4.This writ petition is disposed of. No costs. Connected

miscellaneous petition is closed.

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Internet : Yes/No

Index : Yes/No

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To

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G.R.SWAMINATHAN, J.

SKM

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