



W.P(MD)No.6798 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6798 of 2024
and
W.M.P(MD)No.6314 of 2024

D.Amsamani

... Petitioner

Vs.

- 1.The Revenue Divisional Officer,
Srirangam Taluk,
Navalurkottapattu,
Tiruchirapalli – 620 009.
- 2.The District Social Welfare Officer,
District Collectorate,
Tiruchirapalli – 620 001.
- 3.The Sub Registrar,
Nangavaram Sub Registrar Office,
Peria Santhu, Keezha Nangavaram,
Karur District – 639 110.
- 4.D.Saravanakumar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directing the first



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respondent to cancel the Registered Settlement deed executed by the petitioner in favour of the 4th respondent dated 12.04.2021 registered as Document No.640/2021 before the 3rd respondent with respect to the Vacant Plot to an extent of 2,632 1/2 Sq. Ft along with 50 Teak Woods Tree situated in Old S.F.No.223/5, New S.F.No.3/5, and Sub Division S.F.No.3/5A1A1 in Sirugamani West Village, Srirangam Taluk, Tiruchirappalli District within a time frame fixed by this Court.

For Petitioner : Mr.S.K.Mani

For Respondents : Mr.D.Gandhiraj
Special Government Pleader
for R.1 & R.2

Mr.C.Satheesh
Government Advocate for R.3

ORDER

Heard both sides.

2.The fourth respondent is none other than the son of the petitioner. The petitioner had executed settlement deed dated 12.04.2021 in favour of the fourth respondent.



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3.The learned counsel appearing for the petitioner states that settlement was obtained by playing fraud on her. The petitioner however cannot approach the Maintenance Tribunal under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. However, the petitioner's right to move the civil Court is not barred . The petitioner's apprehension is that the fourth respondent may alienate the property in the meanwhile. The apprehension of the petitioner appears to be based on some material. The petitioner through her counsel states that she will file an appropriate civil suit before the civil Court within seven days from the date of receipt of a copy of this order. If any such suit is filed, it shall be numbered immediately and if any Interlocutory Application is filed, the trial Court may consider granting exparte relief.

4.The petitioner is a senior citizen. Since the property settled in favour of her son is likely to be alienated, the third respondent is restrained from entertaining any document pertaining to the petition mentioned property. This restraint order will hold good for the period of four weeks from today. It is for the petitioner to obtain interim relief



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before the jurisdictional civil Court in the meanwhile. I make it clear that grant of relief is only an interim arrangement that will not foreclose the rights of the fourth respondent. All the contentions and defences of the petitioner are left open.

5.This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

19.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

Note: Issue order copy on 19.03.2024.

To

- 1.The Revenue Divisional Officer,
Srirangam Taluk,
Navalurkottapattu,
Tiruchirapalli – 620 009.
- 2.The District Social Welfare Officer,
District Collectorate,
Tiruchirapalli – 620 001.

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3.The Sub Registrar,
Nangavaram Sub Registrar Office,
Peria Santhu, Keezha Nangavaram,
Karur District – 639 110.

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