



W.P(MD)No.7495 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 06.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7495 of 2024
and
W.M.P(MD)No.6873 of 2024

S.Kailasam

... Petitioner

Vs.

- 1.The District Collector,
Tenkasi District,
Tenkasi.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Tenkasi.
- 3.The District Registrar,
District Registrar Office,
Tenkasi.
- 4.The Joint Sub-Registrar No.1,
Joint Registrar No.1 Office,
Tenkasi.
- 5.K.Nagarajan
- 6.Nagakanni
- 7.Thamarai



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8.Parvathi

9.Rani

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to direct the respondents 6 to 9 to provide food, cloth, medicine and to reside in the petitioner's ancestral house in Door No.12/16F, Kamarajar Street, Keezhapuliyur, Tenkasi District as per the senior citizens Act, 2022 consequently take appropriate actions against the respondents 6 to 9 on the petition of the petitioner dated 11.09.2023 and 25.09.2023.

For Petitioner : Mr.S.Radhakrishnan

For Respondents : Mr.P.Thambi Durai
Government Advocate
for R.1 to R.4

Mr.D.Sivaraman for R.6 to R.9

No Appearance for R.5

ORDER

Heard both sides.

2.The petitioner had executed release deed dated 20.08.2018 in favour of the sixth respondent. The question is whether such a document



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can be cancelled by the Maintenance Tribunal by invoking the power under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act. Admittedly, the document does not contain any condition as envisaged under the Section. The Hon'ble Supreme Court of India in a decision reported in **2022 SCC OnLine SC 1684 (Sudesh Chhikara Vs. Ramti Devi & another)** had held that when there is no condition as stipulated by the statute, the Maintenance Tribunal will lack the jurisdiction to cancel the document. The said judgment has been consistently followed by this Court. Interfering with the impugned order does not arise at all. If the petitioner wants any relief of maintenance, he can always go before the second respondent and work out his remedies.

3. With this liberty to the petitioner, this writ petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

06.06.2024

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



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G.R.SWAMINATHAN,J.

MGA

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