



W.P(MD)No.9774 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD).No.9774 of 2023

and

W.M.P(MD).Nos.8612 and 8613 of 2023

1. R.Madhiyalagan

2. R.Ravichandran

... Petitioners

Vs

1. The District Collector,
District Collector Office,
Trichy - 1, Trichy District.

2. The Revenue Divisional Officer,
RDO Office,
Musiri, Trichy District.

3. Ramanathan,

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records relating to 1st respondent proceedings made in Na.Ka.G1/422451/2022, dated on 29.03.2023, quash the same.



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For Petitioners : Mr.R.Sundar

For R1 & R2 : Mr.K.S.Selvaganesan

Additional Government Pleader

For R3 : Mr.T.Murugesan

ORDER

Heard both sides.

2. The petitioners are the sons of the third respondent. The third respondent has two sons and one daughter. The third respondent executed a registered settlement in the years 1996, 2009 and 2014. The third respondent alleges that he has not been maintained by his children. Therefore, he is cancelling the earlier documents. The RDO, Musiri passed only a maintenance order. Challenging the same, the third respondent filed an Appeal under Section 16 of Senior Citizen Act before the District Collector, Trichy District. The District Collector, Trichy District, who vide proceedings dated 29.03.2023 held that settlement deed executed in the year 1996 in favour of the third son cannot be cancelled. Challenging the same, the present



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petition has been filed.

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3. The third respondent has filed counter affidavit.

4. The learned Counsel appearing for the third respondent took me through its contents.

5. The only question that calls for consideration is whether the settlement deeds executed by the third respondent in favour of the petitioners contain any condition as envisaged under Section 23 of Senior Citizen Act. I carefully went through both the documents to see whether they had any condition. There is no condition requiring the settlee to maintain the settlor. The Hon'ble Apex Court in **2022 LiveLaw (SC) 1011 (Sudesh Chhikara vs Ramti Devi)** has decided the issue.

6. The learned Counsel appearing for the third respondent wants to rely on the order dated 08.09.2023 in W.P(MD)No.28190/2023, **Mohamed Dayan Vs. The District collector, Tiruppur District & Others.**



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7. I have already referred to the said order in W.P(MD)No.27135 of 2023 and held that the order has not taken note of binding decision of the earlier Hon'ble Division Bench. I, therefore, set aside the impugned order.

8. The learned Counsel appearing for the third respondent points out that the third respondent has been left to fend for himself. It is unfortunate that the sons of the third respondent have left him in this condition.

9. The Maintenance Tribunal has already ordered the petitioners to pay a sum of Rs.2,000/- per month. This is enhanced to Rs.6,000/- per month. Each of the petitioners is obliged to pay Rs.6,000/- per month to the third respondent. It is the duty of the Maintenance Tribunal to ensure that this direction is scrupulously complied with. The third respondent can also file application against the other son, namely, Senthil Kumar. If any such application is filed against Senthil Kumar, the said application shall be disposed of on merits and in accordance with law, within a period of three months thereafter.

10. The impugned order is set aside.



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11. This writ petition is allowed on the aforesaid directions. No costs.

Consequently, the connected miscellaneous petitions are closed.

26.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

LR

To

1. The District Collector,
District Collector Office,
Trichy - 1, Trichy District.

2. The Revenue Divisional Officer,
RDO Office,
Musiri, Trichy District.



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G.R.SWAMINATHAN, J.

LR

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