



W.P(MD)No.12939 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.06.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12939 of 2024

and

W.M.P(MD)No.11486 of 2024

S.Vellaikannu

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Sivagangai.

2.The Inspector of Police,
SIPCOT Police Station,
Manamadurai Taluk,
Sivagangai District.

3.The Sub Registrar,
Sub Registrar Office,
Manamadurai,
Sivagangai District.

4.M.Chellapandi

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India,
to issue a Writ of Mandamus, directing the respondents 1 and 2,



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particularly the first respondent to cancel the Inam Settlement deed of Doc.No. 179/2021 dated 25.01.2021 registered at the third respondent Sub-Registrar Office in the name of the fourth respondent for the petitioner's properties of bearing Survey No.203/2A with an extent of 0.11.65 Ares Nanjai - 29 cents, situated at Theethankulam Village, Alangulam, K.K.Pallam Group, Manamadurai Taluk, Sivagangai District under the provision of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 by considering the petitioner's representation dated 26.04.2024.

For Petitioner : Mr.R.Murugappan

For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.1

Mr.A.Albert James
Government Advocate (Criminal Side)
for R.2

Mr.B.Saravanan
Additional Government Pleader for R.3

ORDER

Heard both sides.

2.The petitioner is a senior citizen. He wants cancellation of the petition mentioned settlement deed dated 25.01.2021. I wanted to know



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if document contains any condition as envisaged under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

Though the learned counsel appearing for the petitioner made a valiant attempt to give a certain spin on the terms of the document, I am not convinced. According to me, the document is unconditional. In fact it is irrevocable. Therefore, the petitioner may have to go only before the jurisdictional civil Court for getting the document cancelled.

3.The first respondent may not have the right, power or jurisdiction to cancel the document. The first respondent therefore will have to confine the scope of the enquiry to the question of granting maintenance and other amenities alone to the petitioner. To this extent, direction can be given to the first respondent. The first respondent shall pass an appropriate order on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order. Before passing any order, the first respondent will put the fourth respondent on notice. Since the fourth respondent had taken gift from the petitioner, the fourth respondent is obliged to maintain the petitioner.



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4.Directing the first respondent to pass an appropriate maintenance order, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

18.06.2024

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

To

- 1.The Revenue Divisional Officer,
Revenue Divisional Office,
Sivagangai.
- 2.The Inspector of Police,
SIPCOT Police Station,
Manamadurai Taluk,
Sivagangai District.
- 3.The Sub Registrar,
Sub Registrar Office,
Manamadurai,
Sivagangai District.



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G.R.SWAMINATHAN,J.

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