



W.P.(MD)No.27938 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **09.12.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.27938 of 2024

and

W.M.P.(MD)No.23699 of 2024

I.Sootusamy Thevar

... Petitioner

Vs.

1. The District Collector,
Tenkasi District,
Tenkasi.

2. The Revenue Divisional Officer,
Office of District Collectorate,
Tenkasi.

3. Balasubramaniam

4. Mahendran

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records impugned proceedings passed by the 1st respondent vide Mu.Mu./COLR/14180/2023-B1 dated 15.04.2024 and quash the same as illegal and consequently direct the 1st respondent to cancel the sale deed vide Doc. No.1390/2015 dated 13.07.2015 executed in favour of 3rd and 4th respondents.



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For Petitioner : Mr.M.Sankar
For Respondents : Mr.D.S.Neduncheliyan (R1 & R2)
Government Advocate
Mr.S.C.Herold Singh (R3 & R4)

ORDER

Challenging the order passed by the first respondent dated 15.04.2024, refusing to cancel the sale deed vide document No.1390 of 2015 dated 13.07.2015 on the file of the Melaneelithanallur Sub Registry, this writ petition is filed.

2. Heard the learned counsel on either side and perused the materials placed before this Court.

3. The learned counsel appearing for the petitioner submitted that the petitioner is the father of the third and fourth respondents and the sale deed bearing Document No.1390 of 2015 executed by him in favour of the third and fourth respondents was without a valid consideration and it was executed by him only out of his fond in the hope of that the third and fourth respondents will take care of him. However, the petitioner, who is the father of the third and fourth respondents having been failed to maintain by them, made an



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application under Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as “Act, 2007” for brevity) before the second respondent. The second respondent, by order dated 30.10.2023, directed the petitioner to approach the competent civil Court for the said relief. Aggrieved by the said order, the petitioner preferred an appeal under Section 16 of the Act, 2007, before the first respondent and the first respondent, on appreciation of facts, on 15.04.2024, dismissed the petitioner's appeal. Challenging the same, this writ petition is filed.

4. The learned Government Advocate appearing for the official respondents on instructions submitted that under the Act, 2007, a sale deed cannot be sought to be cancelled by a senior citizen and on that ground alone, the petitioner's application as well as the appeal was dismissed and there is no infirmity in the same and hence, he pressed for dismissal of this writ petition.

5. The learned counsel appearing for the third and fourth respondents submitted that the petitioner's contention that the sale deed was without consideration is obviously false and the same was executed for a substantial consideration of Rs.6,59,000/- and hence, I do not find any infirmity in the order dated 15.04.2024 passed by the first respondent and appropriate remedy



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available to the petitioner is to approach the competent civil Court. This writ petition is accordingly disposed of directing the petitioner to approach the competent civil Court. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

09.12.2024

NCC : Yes / No
Index : Yes / No
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TO:-

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L.VICTORIA GOWRI, J.

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Order made in
W.P.(MD)No.27938 of 2024

Dated
09.12.2024