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W.P.(MD)NO.29275 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.29275 of 2023

V.Ganapathiyammal

... Petitioner

Vs.

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The District Registrar,
Ramanathapuram – 623 501.
3. The District Revenue Officer,
Collectorate,
Ramanathapuram – 623 503.
4. The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram – 623 701
5. The Tahsildar,
Kadaladi, Ramanathapuram – 623 703
6. The Sub Registrar,
Sayalgudi,
Ramanathapuram – 623 120.
7. R.Angalaeaswari
8. V.Sathiyathan

... Respondents



Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, directing respondents 2 and 6 to cancel the sale deed executed by the seventh respondent in favour of the eighth respondent in doc. No.283 of 2017 dated 11.07.2017 on the file of the fifth respondent and quash the same and the order passed in D.P.2/2883/2021 dated 18.05.2022 by the fourth respondent.

For Petitioner : Mr.Hari Perumal

For R-1&
R-3 to R-5 : Mr.K.Balasubramanian,
Special Government Pleader.

For R-2 & R-6 : Mrs.D.Farjana Ghoushia,
Special Government Pleader.

* * *

ORDER

Heard both sides.

2. Notice sent to the seventh respondent has been returned with an endorsement as “left without instructions”. The eighth respondent has been served but he has not chosen to enter appearance.



3. The writ petitioner is a senior citizen. She is the mother of the seventh respondent. She executed a settlement deed dated 19.03.2012 in favour of her daughter. The donee / seventh respondent subsequently sold the property in favour of the eighth respondent on 11.04.2017. At this stage, the petitioner filed a petition against her daughter under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act. The Revenue Divisional Officer vide order dated 18.05.2022 cancelled the gift deed executed by the petitioner in favour of her daughter in the year 2012. The petitioner's counsel states that the said order had become final. That may be so, I am not persuaded by the same. Angalaeaswari sold the property to Sathyanathan in the year 2017 itself. Thus when the petition was filed before the Maintenance Tribunal under Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, Angalaeaswari has no right or stake in the matter. Hence, cancellation of the gift deed dated 18.05.2022 will not take the petitioner any further. Probably realising the same, this writ petition came to be filed for cancelling the sale deed dated 11.04.2017 executed by the seventh respondent in favour of the eighth respondent. For cancelling the sale deed, this writ petition is not the remedy. The petitioner of course is a senior citizen. But then, the normal process of law cannot be bypassed.



The petitioner has to go before the jurisdictional civil Court to work out her rights in the manner known to law. Granting liberty to the petitioner, this writ petition stands dismissed. No costs.

08.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

To:

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G.R.SWAMINATHAN,J.

PMU

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