



W.P.No.5137 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2025

WEB COPY

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.5137 of 2024

Dhanavel Padayatchi

... Petitioner

Vs.

1.District Collector,
Cuddalore District,
Cuddalore.

2.Revenue Divisional Officer,
Cuddalore District,
Cuddalore.

3.The Sub-Registrar,
Office of the Sub-Registrar,
Town Panchayath office back side,
Vadalur – 607 303.

4.Jambulingam

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the first respondent to consider the petitioner representation dated 31.01.2024 seeking to cancel the settlement deeds in document No.4505/2010 and Document No.2739/2017



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executed in favour of the fourth respondent.

WEB COPY For Petitioner : M/s.S.Vennila

For Respondents 1 & 2 : Mr.A.Anandan,
Government Advocate

For Respondent 3 : Mr.R.Sasikumar,
Government Advocate

For Respondent 4 : Mr.K.Raghuraman

ORDER

This writ petition has been filed by the petitioner to direct the first respondent to consider the petitioner representation dated 31.01.2024 seeking to cancel the settlement deeds in document No.4505/2010 and Document No.2739/2017 executed in favour of the fourth respondent.

2. The case of the petitioner is that he is the father of the fourth Respondent, retired in 2000 and invested his retirement benefits, savings, and a loan to purchase a property and constructed a shop in the name R.C.C., vide Settlement Deed No. 4505/2010. The fourth respondent and his family have been residing in the petitioner's house since 2000, and in 2009, he persuaded the petitioner to hand over the possession of the house and shop, assuring



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that he would take care of the petitioner's basic needs and medical expenses.

Trusting him, the petitioner executed two settlement deeds—Document No. 4505/2010 (dated 18.11.2010) for the shop and Document No. 2739/2017 (dated 22.11.2017) for the house. However, the fourth respondent later neglected the petitioner, collected approximately Rs.70 lakhs as rent from the shop without sharing it, refused to bear medical expenses, and asked the petitioner to vacate the house.

2.1. The petitioner alleges fraud in preparation of the settlement deeds, particularly omission of a clause granting life interest and rights to rental income. Invoking Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, the petitioner filed W.P.No.20602 of 2023 seeking cancellation of the settlement deeds. This Court vide order dated 31.07.2023, directed the District Collector, Cuddalore, to forward the representation to the jurisdictional RDO for inquiry, but no action was taken, prompting a pre-contempt notice on 20.12.2023. The petitioner appeared for hearing on 22.09.2023, but without any further proceedings, the Special District Revenue Court, Cuddalore, dismissed the case on 13.11.2023, citing the



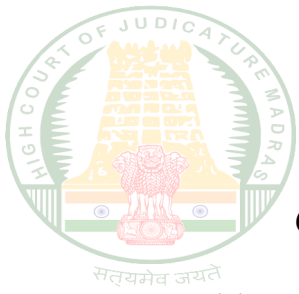
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petitioner's pension Rs.31,000 pension and the fourth respondent's claim of willingness to support. Aggrieved by the order, the petitioner submitted a fresh representation on 31.01.2024, requesting cancellation of the settlement deeds, but no further action was taken. Hence, the petitioner has come forward with the present writ petition.

3. Though very many grounds have been raised in this writ petition, learned counsel for the petitioner submitted that it would suffice if this Court issues direction to the first respondent to consider the petitioner's representation dated 31.01.2024, within a time frame to be fixed by this Court.

4. Learned Government Advocate appearing for the respondents 1 & 2 has no objection for the said order being passed by this Court.

5. Heard the learned counsel on either side and perused the materials available on record.



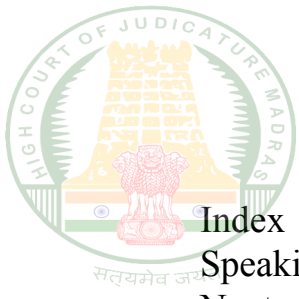
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6. In view of the submission made by the learned counsel on either side, this Court directs the first respondent to consider the petitioner's representation dated 31.01.2024, after giving due notice to the petitioner as well as the fourth respondent, affording an opportunity of personal hearing, considering the documents filed by both the parties on merits and in accordance with law and pass appropriate orders within a period of three months from the date of receipt of a copy of this order.

7. It is made clear by this Court that the fourth respondent should take care of the medical expenses of the petitioner i.e., his father and also to ensure his well-being, failing which, action has been taken against the fourth respondent as per Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

8. This writ petition is disposed of with the aforesaid observation and direction. No costs.

14.03.2025 (vm)



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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

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J.SATHYA NARAYANA PRASAD,J.

vm

To:

- 1.District Collector,
Cuddalore District,
Cuddalore.
- 2.Revenue Divisional Officer,
Cuddalore District,
Cuddalore.
- 3.The Sub-Registrar,

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