



W.P.No.5141 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2025

CORAM

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.5141 of 2025

Papa

... Petitioner

vs.

1. The District Collector,
Salem District, Salem.

2. The Revenue Divisional Officer,
Salem.

3. Kannan

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the 2nd respondent to cancel the settlement deed vide Document No.939/2010 dated 26.02.2010 on the file of S.R.O, Veerapandi, Salem District executed by the petitioner in favour of 3rd respondent in pursuance of petition under Section 23 of Maintenance and Welfare of Parents and Senior Citizen Act, 2007 dated 24.01.2025.

For Petitioner : Mr.P.Maresan

For R1 & R2 : Mr.S.J.Mohamed Sathik
Govt.Advocate



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ORDER

WEB COPY By consent of both the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. The present writ petition has been filed to direct the 2nd respondent to cancel the settlement deed vide Document No.939/2010 dated 26.02.2010 on the file of S.R.O, Veerapandi, Salem District executed by the petitioner in favour of the 3rd respondent in pursuance of petition under Section 23 of Maintenance and Welfare of Parents and Senior Citizen Act, 2007 dated 24.01.2025.

3. It is the case of the petitioner that the property comprised in S.No.321/1 measuring to an extent of 3.09 acres situated at Puthur Agraharam Village, Salem District and originally the said property belongs to her husband namely Kandaswamy. On 29.03.2008, her husband had executed a Settlement Deed vide document No.3808/2008 dated 29.03.2008 in her favour. Thereafter she was in absolute owner and possession of the said property and all the revenue records were stands in the name including patta vide No.880 on the file of Tahsildar, Salem West. After the death of



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her husband, her grandson was taking care of the petitioner by providing basic amenities to her. Hence, the petitioner had executed a Settlement

Deed in favour of the third respondent dated 26.02.2010 in respect of the said property on the file of S.R.O Veerapandi, Salem District and all the revenue records were transferred to his favour. Thereafter, the third respondent did not take care of the petitioner. Further, the petitioner verified encumbrance in online, the third respondent had registered a Sale Agreement with one Gomathi from Ariyampalayam Village, Salem District vide Doc.No.709/2020 and the period of said Sale Agreement was also lapsed and as on date there was no further encumbrance. Therefore, the petitioner had submitted the petition dated 24.01.2025 to the 2nd respondent under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 to cancel the Settlement Deed vide Doc.No.939/2010 dated 26.02.2010 and the same is pending. Hence, the petitioner has come forward with the present writ petition.

4. The learned counsel appearing for the petitioner submitted that the petitioner sent a representation dated 24.01.2025 to the 2nd respondent but till date no action has been taken by the 2nd respondent in this regard.



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5. The learned Government Advocate appearing for R1 and R2 submitted that enquiry will be conducted by the 2nd respondent and the orders will be passed on merits in accordance with law, within a time stipulated that may be fixed by this Court.

6. Heard the learned counsel appearing on either side and also perused the materials available on records.

7. In view of the submissions made by the learned counsel on either side, the second respondent is directed to conduct a detailed enquiry after giving due notice to the petitioner as well as the 3rd respondent, affording an opportunity of personal hearing to consider 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 o a copy of this order.



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WEB COPY 8. This writ petition stands allowed with the above directions. No costs.

25.02.2025

Index : Yes/No.
Internet : Yes/No.
Neutral Citation : Yes/No
Speaking : Non-speaking Order
kkd

To

1. The District Collector,
Salem District, Salem.
2. The Revenue Divisional Officer,
Salem.



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J.SATHYA NARAYANA PRASAD,J.

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