



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2025

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THE HONOURABLE MR JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.8571 of 2025

U.Shathaji
W/o.M.Baba Sahib,
Door No.303, Subramaniyapuram,
Thimmapuram Post, Kaveripattinam,
Krishnagiri District.

Petitioner(s)

Vs

1. The District Collector,
Collector Office, Krishnagiri District.

2.The Sub Registrar,
West Sub Registration Office,
Salem District.

3.N.Mohammed Ashick,
S/o.M.K.Nazar, Door No.150/2,
Yelleesh Garden, Erumapalayam Main Road,
Kitchipalayam, Salem District.

4.N.Kaleem Basha
S/o.M.K.Nazar, Door No.150/2,
Yelleesh Garden, Erumapalayam Main Road,
Kitchipalayam, Salem District.



5.S.Beer Sadiq

S/o.Syed Mustaba,

Door No.88, G Block,

Nehru Nagar, Gugai,

Salem District,

Salem-636 006

Respondent(s)

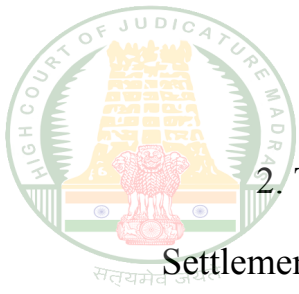
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the first respondent to consider the petition dated 30.12.2024, which was registered as Grievance ID No. TN/REV/SLM/I/COLLMGDP/30DEC24/10726255 and to take appropriate steps for cancellation of the settlement deed dated 12.12.2013, which was registered as document No.4701 of 2013 and pass such further orders.

For Petitioner(s): Mr.D.Sivashanmugam

For Respondent(s): Mr.R.Sasikumar, G.A.
For R1 and R2

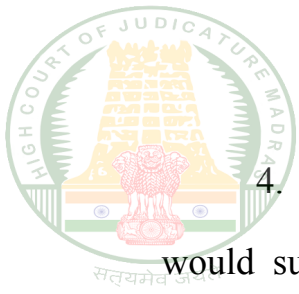
ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the first respondent to consider the petition dated 30.12.2024, which was registered as Grievance ID No.TN/REV/SLM/I/COLLMGDP/30DEC24/10726255 and to take appropriate steps for cancellation of the settlement deed dated 12.12.2013, which was registered as document No.4701 of 2013.



2. The case of the petitioner is that she is a senior citizen, who executed a Settlement Deed on 12.12.2013 in favor of her grandsons (3rd and 4th respondents), believing they would care for her. The property was her self-acquired asset, purchased through a sale deed dated 24.06.2010. However, they neglected her and attempted to sell the property. On 30.12.2024, the petitioner requested them not to sell it and petitioned the District Collector (1st Respondent) under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, seeking cancellation of the settlement deed (Grievance ID No. TN/REV/SLM/I/COLLMGDP/30DEC24/10726255). The petitioner also informed the Sub-Registrar (2nd Respondent) not to register any transactions concerning the property. Despite this, the 3rd and 4th respondents sold the property for Rs.75,00,000/- to Mr.Beer Sadiq (5th respondent) through his Power Agent, Mrs.Irshath Nowrin, via a sale deed dated 20.01.2025 (Doc.No.182/2025, Sub-Registrar, Salem West). The 1st Respondent failed to act on her petition, and the 2nd Respondent ignored her request, allowing the sale.

3. Learned counsel appearing for the petitioner would contend that the Settlement Deed should be cancelled as her grandsons failed to care for her. He further contends that the District Collector (1st respondent) neglected her petition and the Sub-Registrar (2nd respondent) unlawfully registered the sale deed despite the pending dispute. Hence, the present writ petition is filed.



4. Learned Government Advocate appearing for respondents 1 and 2 would submit that the petition of the petitioner dated 30.12.2024 would be considered on merits, in accordance with law, within a time frame stipulated by this Court. He further submitted that the Competent Authority to consider the petitioner's petition dated 30.12.2024 is the Revenue Divisional Officer, Krishnagiri.

5. Heard both sides and perused the materials available on record.

6. In view of the aforesaid submissions made by the learned Government Advocate, this Court is inclined to pass the following directions:

- 1. The first respondent is directed to forward the petitioner's petition dated 30.12.2024 to the Revenue Divisional Officer, Krishnagiri, within a period of two weeks from the date of receipt of a copy of this order.**
- 2. On receipt of such petition, the Revenue Divisional Officer, Krishnagiri, is directed to conduct a detailed enquiry after giving due notice to the petitioner as well as respondents 3 to 5, affording an opportunity of personal hearing to the petitioner and respondents 3 to 5, to take into consideration all the relevant documents submitted by the parties in regard to the subject matter property and pass appropriate orders on merits, in accordance with law, thereby**



following the above principles of natural justice within a period of eight (8) weeks thereof.

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In the result, the writ petition stands disposed of with the above observations and directions. No costs.

12-03-2025

cda

Index: Yes/No

Speaking/Non-speaking order

To

1. The District Collector,
Collector Office, Krishnagiri District.

2. The Sub Registrar,
West Sub Registration Office,
Salem District.



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J.SATHYA NARAYANA PRASAD J.

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