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WP No. 8613 of 2020



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-09-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 8613 of 2020

AND WMP NO. 10415 and 10422 OF 2020

1. E.Rajeshwari
W/O.Elangovan,10/262,Sumangali
garden,Neikarapatty,Vilakottaimedu,
Salem District.

Petitioner(s)

Vs

1. The Sub Divisional Magistrate
Revenue divisional officer,(Tribunal for
maintenance and Welfare of parents and
Senior Citizens) Salem District.

2.Munian

Respondent(s)

PRAYER

This writ petition is filed under Article 226 of Constitution of India, to issue a writ of Certiorari, calling for the records with respect of the impugned order passed by the 1st respondent in his proceedings dated 16.06.2020 in Na.Ka.5403/2019/A3 and quash the same.

For Petitioner(s): Mr.R.Nalliyappan
For Respondent(s): Mrs.S.Anitha SGP R1
M/s. N.MANOKARAN, R2

ORDER

The writ petition has been filed seeking to quash the impugned order passed by the 1st respondent in his proceedings dated 16.06.2020 in Na.Ka.5403/2019/A3.



2. It is the case of the petitioner that the second respondent is the father of the petitioner. Out of love and affection, the second respondent executed a settlement deed in favour of the petitioner on 17.02.2010 without any condition. Subsequently, the second respondent made a complaint before the first respondent under the Maintenance and Welfare of Parents and Senior Citizens Act 2007 before the first respondent to cancel the settlement deed. The first respondent cancelled the afore said settlement deed. Challenging the said order, the petitioner has filed the present writ petition.

3. The learned counsel for the petitioner submitted that the second respondent settled the vacant plot in favour of the petitioner and thereafter the petitioner herein only constructed superstructure over the said property by availing loan amount. Further, all the revenue records are also mutated in favour of the petitioner herein. Under these circumstances, it is not correct to cancel the said settlement deed by invoking section 23(1) of the said Act.

4. The learned counsel for the second respondent submitted that the settlement deed contains a clause that the petitioner should take care of and maintain the second respondent. But the petitioner has refused to take care of her father. Therefore, he made a complaint before the first respondent to cancel the settlement deed. The first respondent also rightly cancel the same, which needs no interference.

5. In reply, the learned counsel for the petitioner submitted that she is ready to pay a sum of Rs.12,000/- to the second respondent for maintenance.

6. The second respondent has also accepted the same.

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



8. In view of the consent view expressed by the both side, this Court directs the petitioner to pay a sum of Rs.12,000/- (Rupees Twelve thousand only) to the second respondent on or before 5th of every English Calender month till his life time.

9. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

08-09-2025

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M.DHANDAPANI J.

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Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No

To

1. The Sub Divisional Magistrate
Revenue divisional officer, (Tribunal for
maintenance and Welfare of parents and
Senior Citizens) Salem District.

WP No. 8613 of 2020

08.09.2025



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WP No. 8613 of 2020



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-10-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 8613 of 2020

and

WMP Nos.10415 and 10422 of 2020

1. E.Rajeshwari

Petitioner(s)

Vs

1. The Sub Divisional Magistrate
Revenue Divisional Officer,
(Tribunal for Maintenance and Welfare
of Parents and Senior Citizens)
Salem District.

2.Munian

Respondent(s)

PRAYER

Calling for the records with respect of the impugned order passed by the 1st respondent in his proceedings dated 16.06.2020 in Na.Ka.5403/2019/A3 and quash the same.

For Petitioner(s): Ms.N.Premalatha

For Respondent(s): Mrs.S.Anitha
Special Government Pleader
for R1
Mr.Manokaran
for R2

ORDER

Learned counsel for the petitioner would submit that the issue arises for consideration in this writ petition is no longer res-integra and is covered by a



Full Bench decision of this Court in the case of ***Sasikala Vs. The Revenue Divisional Officer cum Sub Collector, Devakottai, Sivagangai District & another [W.P. (MD) 6889 of 2015 etc. batch]***, decided on 02.09.2022.

However, the same has not been recorded in the order. Hence this matter is posted today under the caption for 'being mentioned' today.

2. In view of the above, from Paragraph No.8, the order dated 08.09.2025 in WP No.8613 of 2020 is modified as follows:

8. Admittedly, the second respondent father settled the subject property in favour of the petitioner vide settlement deed on 17.02.2011, without any condition. Subsequently, the second respondent claimed that the petitioner is not taking care of him thereby he made a complaint before the official respondents to cancel the said settlement deed executed by him. Challenging the same, the present writ petition is filed.

9. The issue involved in this writ petition is no longer res-integra and is covered by a Full Bench decision of this Court in the case of ***Sasikala Vs. The Revenue Divisional Officer cum Sub Collector, Devakottai, Sivagangai District & another [W.P. (MD) 6889 of 2015 etc. batch]***, decided on 02.09.2022. The relevant portion of the order is extracted hereunder:

“30.In this context, it is useful to refer to Rules 55 and 162 of the Rules, which are approved by the State Government under Section 69 of the Registration Act, 1908.



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55. It forms no part of a registering officer's duty to enquire into the validity of a document brought to him for registration or to attend any written or verbal protest against the registration of a document based on the ground that the executing party had no right to execute the document: but he is bound to consider objections raised on any of the grounds stated below:-

- (a) that the parties appearing or about to appear before him are not the persons they profess to be;
- (b) that the document is forged;
- (c) that the person appearing as a representative, assign or agent, has no right to appear in that capacity;
- (d) that the executing party is not really dead, as alleged by the party applying for registration; or
- (e) that the executing party is a minor or an idiot or a lunatic.

Rule 162 of the Registration Rules reads as follows:

“162. When registration is refused the reasons for refusal shall be at once recorded in Book 2. They will usually come under one or more of the heads mentioned below:-

I. Section 19-- That the document is written in a language which the Registering Officer does not understand and which is not commonly used in the District, and that it is unaccompanied by a true translation and a true copy.

II. Section 20--That it contains unattested interlineations, blanks, erasures or alterations which in the opinion of the Registering Officer require to be attested.

III. Section 21---(1) to (3) and Section 22.-- That the description of the property is insufficient to identify it or does not contain the information required by Rule 18.

IV. Section 21(4).--That the document is unaccompanied by a copy or copies of any map or plan which it contains.

V. Rule 32.--That the date of execution is not stated in the document or that the correct date is not ascertainable.

VI. Sections 23, 24, 25, 26, 72, 75 and 77.--That it is presented after the prescribed time.

VII. Sections 32, 33, 40 and 43.--That it is presented by a person who has no right to present it.

VIII. Section 34.--That the executing parties or their representatives, assigns, or agents have failed to appear within the prescribed time.

IX. Sections 34 and 43.--That the Registering Officer is not satisfied as to the identity of a person appearing before him who alleges that he has executed the document.

X. Sections 34 and 40.--That the Registering Officer is not satisfied as to the right of a person appearing as a representative, assign, or agent so to appear.



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XI. Section 35.--That execution is denied by any person purporting to be an executing party or by his agent.

Note:~When a Registering Officer is satisfied that an executant is purposely keeping out of the day with a view to evade registration of a document or has gone to a distant place and is not likely to return to admit execution within the prescribed time, registration may be refused the non-appearance being treated as tantamount to denial of execution.

XII. Section 35.--That the person purporting to have executed the document is a minor, an idiot or a lunatic.

Note:~When the executant of a document who is examined under a commission under Section 38 of the Act is reported by the Commissioner to be a minor, an idiot or a lunatic registration may be refused and it is not necessary that the Registering Officer should personally examine the executant to satisfy himself as to the existence of the disqualification.

XIII. Section 35.--That execution is denied by the representative or assign of a deceased person by whom the document purports to have been executed.

Note:-When some of the representatives of a deceased executant admit and others deny execution, the registration of the document shall be refused in toto, the persons interested being left to apply to the Registrar for an enquiry into the fact of execution.

XIV. Sections 35 and 41.--That the alleged death of a person by whom the document purports to have been executed has not been proved.

XV. Section 41.--That the Registering Officer is not satisfied as to the fact of execution in the case of a will or of an authority to adopt presented after the death of the testator or donor.

XVI. Sections 25, 34 and 80.--That prescribed fee or fine has not been paid.

XVII. Section 230(A) of the Income Tax Act, 1961 (Act 43 of 1961).--

That the prescribed certificates from the Income Tax Officer has not been produced.

XVIII. Section 10 of the Tamil Nadu Land Reforms (Fixation of Ceiling

of Land) Act, 1961 (Act 58 of 1961).--That the declaration has not been filed by the transfer.

XIX. Section 27 of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 (Act 24 of 1978).--That the statement has not been filed by the transferror and transferee.

31. Hence as per Rule 55 of the rules approved by the State, the Registering Officer is bound to consider any objections as to the identity of person appearing before him as executant or authority as representing



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the executant or the allegation of forgery. When the Registering Authority accept any document for registration despite objections or refuse to register the document, the person aggrieved can file an appeal under Section 72 of the Registration Act. In view of the specific provision under Sections 71 to 77 of the Registration Act, the aggrieved persons may either file an appeal under Section 72 or submit an application before the Registrar as the case may be.

When the registrar refused to order the document to be registered under Section 72 or Section 76, it is open to the person aggrieved to institute a civil suit within the local limits of the whose original jurisdiction, the Registrar Office, in which, the document is sought to be registered is situate for a decree directing the document to be registered.

32.The scope of Sections 71 to 76 and the procedure to be followed were considered by the Hon'ble Supreme Court in Veena Singh's case reported in (2022) 7 SCC 1. On the combined reading of the provisions of the Registration Act and the Rules approved by the State Government of Tamil Nadu, and the other Provisions relating to Registration of Power of Attorney deed as dealt with by the Hon'ble Supreme Court in the case of Asset Reconstruction Company (India) Limited-vs-S.P.Velayutham and others, reported in 2022 SCC Online 544, the registering authority, whether he is exercising a quasi-judicial power, or performing an administrative act, the High Court is empowered to see whether he performed the duties statutorily ordained upon him in the manner prescribed by law. The Hon'ble Supreme Court in the case of Suraj Lamp and Industries (P) ltd, vs. State of Haryana, reported in (2009) 7 SCC 363, has considered the object of Registration Act, 1908. It is held that registration provides safety and security to transactions relating to immovable property and it gives publicity and public exposure to documents thereby prevent forgeries and frauds in regard to execution of documents. It is further held that Registration gives solemnity of form and perpetuate documents which are of legal importance or relevance by recording them, where people may see the record and enquire and ascertain what the particulars are and as far as land is concerned what obligations exist with regard to them.

Registration ensures that every person dealing with immovable property can rely with confidence upon the statements contained in the registers (maintained under Registration Act) as a full and complete account of all transactions by which title to the property can be ascertained. Any act or omission of Registrar which may interfere with the transfer or title of anyone has to be deprecated as one against public policy."

10. In view of the order of the Full Bench of this Court in the case of

Sasikala cited supra, the order dated 16.06.2020 of the official respondents



cancelling the settlement deed dated 17.02.2011 is set aside. The petitioner shall pay a sum of Rs.12,000/- (Rupees Twelve Thousand Only) to the second respondent every month on or before 5th of every English Calender month till his life time and deposit the entire arrears from the date of petition to till date.

11. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

24-10-2025

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To

1. The Sub Divisional Magistrate
Revenue divisional officer,
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