



W.P.No.11646 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.11646 of 2021

And

W.M.P.No.12388 of 2021

D.Mohana

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Tribunal for Maintenance & Welfare of Parents &
Senior Citizens Act, 2007,
Kancheepuram.

2.Annammal

3.Devaki

4.R.Amutha

5.K.Indira

6.R.Prakash

7.R.Arul Murugan

8.R.Ramesh

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the first respondent in Pro.Pa.Mu.No.998/2020/A5 dated 22.02.2021 (communicated on 21.04.2021) to quash the same.

For Petitioner : Mr.K.Sathish Kumar

For Respondents : Mr.P.Ganesan for R1

Additional Government Pleader

R2 to R8 – No Appearance



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ORDER

This writ petition has been filed seeking issuance of Writ of Certiorari calling for the records of the first respondent in Pro.Pa.Mu. No.998/2020/A5 dated 22.02.2021 (communicated on 21.04.2021) to quash the same.

2.The learned counsel appearing for the petitioner submitted that the property in S.Nos.203/1, 205/3, 206/1A, 207/5, 207/12, 207/16, 207/18, 207/20 to a total extent of 02.30 acre of Nattanallur Village, Walajabath Taluk, Kancheepuram District belong to the petitioner's father and after his demise, the petitioner's mother/ second respondent and her sisters and brothers/ respondents 3 to 7 executed unconditional settlement deed dated 17.12.2013 in favour of the petitioner. Thereafter the petitioner settled the property in favour of her son/ eighth respondent vide settlement deed dated 24.02.2015. Whiles, the second respondent filed petition under Section 23 (1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 before the first respondent and the first respondent after enquiry, allowed the petition and cancelled the settlement deed executed in favour of the petitioner and directed the petitioner and respondents 3, 6 and 7 to pay a sum of Rs.2,000/- to the second respondent towards

2/8



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maintenance.

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3.The learned counsel appearing for the petitioner further submitted that the Hon'ble Full Bench of this Court in the decision reported in **2022 SCC Online Mad 4343 [Sasikala Vs. Revenue Divisional Officer and another]** has held that a sale deed or a deed of conveyance other than testamentary dispositions which is executed and registered cannot be unilaterally cancelled and that as regards gift or settlement deed, a deed of revocation or cancellation is permissible only in a case which fall under Section 126 of Transfer of Property Act. Hence, the impugned order is not sustainable one.

4.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the first respondent. Though the name of the respondents 2 to 8 is printed in the cause list, there is no representation for the respondents 2 to 8. Considering the pendency of the writ petition, this Court is inclined to proceed with the case and decide the same based on the materials available on record.

5.Perusal of records disclose that after the demise of the



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petitioner's father, the petitioner's mother/ second respondent and her sisters and brothers/ respondents 3 to 7 executed unconditional settlement deed dated 17.12.2013 in respect of the properties owned by him, in favour of the petitioner. Thereafter the petitioner settled the property in favour of her son/ eighth respondent vide settlement deed dated 24.02.2015. Whiles, the second respondent filed petition under Section 23 (1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 before the first respondent and the first respondent after enquiry, allowed the petition and cancelled the settlement deed executed in favour of the petitioner and directed the petitioner and respondents 3, 6 and 7 to pay a sum of Rs.2,000/- to the second respondent towards maintenance.

6.It is useful to extract hereunder the relevant portion of the decision of Hon'ble Full Bench of this Court reported in **2022 SCC Online Mad 4343 [Sasikala Vs. Revenue Divisional Officer and another]** hereunder:

"58. *From the discussions and conclusions we have reached above with reference to various provisions of Statutes and precedents, we reiterate the dictum of Hon'ble Supreme Court in Thota Ganga Laxmi v.*



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Government of Andhra Pradesh, reported in (2010) 15 SCC 207 and the Full Bench of this Court in Latif Estate Line India Ltd., case, reported in AIR 2011 Mad 66 and inclined to follow the judgment of three member Bench of Hon'ble Supreme Court in Veena Singh's case reported in (2022) 7 SCC 1 and the judgment of two member Bench of Hon'ble Supreme Court in Asset Reconstruction Company (India) Ltd., Case, reported in 2022 SCC OnLine SC 544 for the following propositions:

- (a) A sale deed or a deed of conveyance other than testamentary dispositions which is executed and registered cannot be unilaterally cancelled.*
- (b) Such unilateral cancellation of sale deed or a deed of conveyance is wholly void and non est and does not operate to execute, assign, limit or extinguish any right, title or interest in the property.*
- (c) Such unilateral cancellation of sale deed or deed of conveyance cannot be accepted for registration.*
- (d) The transferee or any one claiming under him or her need not approach the civil Court and a Writ Petition is maintainable to challenge or nullify the*



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registration.

(e) However, an absolute deed of sale or deed of conveyance which is duly executed by the transferor may be cancelled by the Civil Court at the instance of transferor as contemplated under Section 31 of Specific Relief Act.

(f) As regards gift or settlement deed, a deed of revocation or cancellation is permissible only in a case which fall under Section 126 of Transfer of Property Act, and the Registering Authority can accept the deed of cancellation of gift for registration subject to the conditions specified in para 42 of this judgment.

(g) The legal principles above stated by us cannot be applied to cancellation of Wills or power of Attorney deed which are revocable and not coupled with interest."

7. Applying the ratio laid down in the decision of Hon'ble Full Bench of this Court reported in **2022 SCC Online Mad 4343 [Sasikala Vs. Revenue Divisional Officer and another]**, the order of the first respondent in Pro.Pa.Mu.No.998/2020/A5 dated 22.02.2021 (communicated on 21.04.2021) is set aside. However, it is the duty of the petitioner to maintain the second respondent/



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petitioner's mother since the property owned by the petitioner's father was settled in favour of her. Hence, this Court is inclined to direct the petitioner to pay maintenance to the second respondent at the rate of Rs.5,000/- per month.

8.Accordingly, the petitioner is directed to pay the entire arrears of monthly maintenance amount at the rate of Rs.5,000/- per month from 10.03.2020 till date (07.10.2025) to the second respondent, within a period of four weeks from the date of receipt of a copy of this order. The petitioner shall continue to pay a sum of Rs.5,000/- per month to the second respondent on or before 7th of every succeeding English Calendar Month.

9.The writ petition is disposed of on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

07.10.2025

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Index: Yes/ No Speaking Order: Yes/ No NCC: Yes/ No

To

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M.DHANDAPANI,J.
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