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W.P.No.13832 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2025

CORAM :
THE HONOURABLE MRS.JUSTICE N.MALA

Writ Petition No.13832 of 2025
and W.M.P.No.15535 of 2025

S.Indiraniammal

... Petitioner

Vs.

1.The District Collector,
Thiruvallur.

2.Banumathiammal

3.Palaniammal

4.Geetha

5.Rani

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorari, to call for the records culminating the issuance of the 1st respondent vide Na.Ka.No.2580998/2024/M4 dated 28.03.2025 and to quash the same as against the law and illegal.



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For Petitioner : Mr. M.Kaviveerappan
For Respondents : Mr.K.Suresh for R1
Government Advocate
Mr.MA.Gouthaman for R2,R3 and R4
No appearance for R5

ORDER

This petition has been filed to call for the records culminating in the issuance of the 1st respondent's Order in Na.Ka.No.2580998/2024/M4 dated 28.03.2025, and to quash the same as against the law and illegal.

2. The Petitioner is a senior citizen aged about 90 years. The petitioner was the owner of the land and buildings with a shop totally ad-measuring an extent of 10,900 sq.ft comprised in Old Survey No.17/3B, New Survey No. 17/3B2 at Avadi Road, Sennerkuppam Village, Poonamallee Taluk, Thiruvallur District. The petitioner purchased the said property under a registered sale deed dated 27.09.1991. The petitioner mutated the revenue records in her favour, was issued patta in Patta No.3024 and was in peaceful possession and enjoyment of the property. While so, the respondents 2 to 5

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who are the petitioner's daughter's and grand daughters' promised to take care of the petitioner. The petitioner reposing confidence in heir words, executed registered settlement deeds in Doc.Nos.8449/2013, 8450/2013, 8451/2013, 8452/2013 and 8453/2013, in their favour.

3. However, after execution of the settlement deeds, the 2nd to 5th respondents attitude totally changed and they started neglecting the petitioner. The petitioner therefore revoked the said settlement deeds executed in their favour. Thereafter, the petitioner executed a registered settlement deed in Document No.14570/2016 dated 21.09.2016, for a portion of the property to an extent of 9071 sq.ft, in favour of her granddaughter. Aggrieved by the cancellation of the settlement deeds in their favour, the respondents 2 to 5 challenged the same in W.P.Nos.34241, 34243 and 32247 of 2019, before this Court. The said writ petition's were dismissed by this Court on 03.01.2020. Aggrieved by the orders in the writ petition's, the respondents preferred writ appeals and this Court disposed the Writ Appeals giving liberty to the

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petitioner to approach the Competent Authority (i.e) Revenue Divisional

Officer, Tiruvallur, under the Maintenance and Welfare of Parents and Senior

Citizen Act, 2007. Thereafter, the petitioner filed a petition under the

Maintenance and Welfare of Parents and Senior Citizen Act, 2007, to the

Revenue Divisional Officer, Thiruvallur, on 04.05.2024, who after due

enquiry passed an order cancelling the settlement deeds, on 29.08.2024.

4. Thereafter, the petitioner voluntarily executed registered settlement

deeds on 16.09.2024, in favour of her great grand daughter, namely

S.M.Prathisha and her great grand son S.M.Chandires, the children of her

daughter, Malathi. While so, the second respondent, filed an appeal under

Section 16 of the said Act, before the first respondent. After detailed enquiry,

the first respondent, dismissed the appeal on 30.12.2024. Later the 2nd

respondent, filed a review petition against the order passed in appeal.

The 1st respondent in total contravention of the provisions of the Act,

entertained the review petition and mechanically issued summons to the



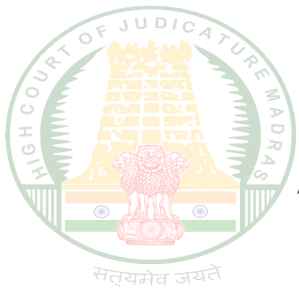
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petitioner on 28.03.2025. Aggrieved by the summons, the petitioner filed the above writ petition for the aforesaid relief.

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5. Learned counsel for the petitioner submitted that even though the impugned proceedings is only summons, the petitioner was constrained to challenge it because the 1st respondent had no authority to issue the summons, since he was not conferred with any review jurisdiction, under the Act. The counsel therefore submitted that the impugned summons was illegal and the same deserved to be set aside.

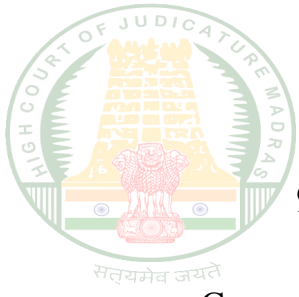
6. Learned counsel appearing for the respondents 3 and 4, in view of the insurmountable legal hurdle, submitted that the private respondents 2 to 5 may be permitted to withdraw the Review Petition with liberty to work out other remedies in accordance with law.



7. Heard the learned counsel for the petitioner and the learned

Government Advocate appearing for the first respondent and the learned counsel for the respondents 2,3 and 4. There is no representation for the 5th respondent.

8. As rightly contended by the learned counsel for the petitioner, the first respondent is not conferred with any review jurisdiction under the aforesaid Act and therefore, the summons issued by the 1st respondent, is without any legal basis. The 1st respondent without application of mind mechanically took the review petition on file and issued the summons, in contravention of the provisions of the Act. In my view, therefore, the impugned summons deserves to be set aside. Accordingly, the impugned summons dated 28.03.2025 is set aside. In any event, liberty is granted to the private respondents to workout their remedy before the appropriate forum, in accordance with law.



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9. With the above liberty, this writ petition is allowed. No costs.

Consequently connected miscellaneous petition is closed.

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msv

Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

To

The District Collector,
Thiruvallur.



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N.MALA,J.

msv

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