



W.P.Nos.16007, 19271 & 19437 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.16007, 19271 & 19437 of 2020

and

W.M.P.Nos.19918 & 24021 of 2020 and 1158 of 2021

W.P.No.16007 of 2020

S.M.Kanthi Rajan

... Petitioner

Vs.

1.District Collector cum District Magistrate,
Office of District Collectorate,
(Appellate Authority),
Chennai District.

2.K.Deepak

3.Nanthini

4.Mangayarkarasi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records of 1st respondent passed in Na.Ka.2054/A6/2020 dated 04.09.2020 and quash the same, and consequently for a Mandamus directing cancellation of the Settlement deeds dated 19.12.2016 in Doc.5718 of 2016 on the file of SRO Alandur and Settlement deed dated



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16.05.2017 in Doc.No.2032/2017 on the file of SRO Alandur and consequential Sale Deed dated dated 26.09.2019 in Doc.1108/2020 on the file of SRO Alandur, relating to the sole house property at New Door No.42, Old No.60 at Vellar Street, Adambakkam, Chennai.

For Petitioner : Mr.V.Raghavachari
Senior Counsel
for M/s.Nathan & Associates

For Respondents : Mr.AM.Ayyadurai
Government Advocate [R1]
Mr.Prakash Goklaney [R2 & R3]
Mr.D.Rajagopal [R4]

W.P.No.19272 of 2020

K.Deepak

... Petitioner

Vs.

- 1.The District Collector of Chennai cum District Magistrate,
Office of the Collector of Chennai,
4th Floor, Singaravelalr Maaligai,
62, Rajaji Salai, Chennai Collectorate,
Chennai – 600 001.
- 2.The Revenue Divisional Officer cum Sub-Divisional Magistrate,
South Chennai Division,
Anna Salai, Guindy,
Chennai – 600 032.
- 3.S.M.Kanthirajan
- 4.B.Sreedevi

... Respondents



W.P.Nos.16007, 19271 & 19437 of 2020

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to take on file the petitioner appeal dated 06.07.2020 filed against the order reference Se.Mu.No.A1/571/2019 dated 26.02.2020 of the 2nd respondent and dispose the same in accordance with law.

For Petitioner : Mr.Prakash Goklaney

For Respondents : Mr.AM.Ayyadurai
Government Advocate [R1 & R2]
Mr.V.Raghavachari
Senior Counsel
for M/s.Nathan & Associates [R3]
Mr.J.Amritha Sarayou [R4]

W.P.No.19437 of 2020

K.Deepak

... Petitioner

Vs.

1.The District Collector of Chennai cum District Magistrate,
Office of the Collector of Chennai,
4th Floor, Singaravelalr Maaligai,
62, Rajaji Salai, Chennai Collectorate,
Chennai – 600 001.

2.The Revenue Divisional Officer cum Sub-Divisional Magistrate,
South Chennai Division,
Anna Salai, Guindy,
Chennai – 600 032.

3.S.M.Kanthirajan

4.B.Sreedevi

... Respondents



W.P.Nos.16007, 19271 & 19437 of 2020

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for records relating to the order bearing reference Na.Ka.No.2054/A6/2020 dated 14.09.2020 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.Prakash Goklaney

For Respondents : Mr.AM.Ayyadurai
Government Advocate [R1 & R2]
Mr.V.Raghavachari
Senior Counsel
for Mr.Kaviyanathan
for M/s.Nathan & Associates [R3]
Mr.J.Amritha Sarayou [R4]

COMMON ORDER

Since the issue involved in these writ petitions are inter-connected, with the consent of the learned counsel appearing for the parties, these writ petitions are heard together and disposed of by way of this common order.

2. For brevity, the petitioner in W.P.No.16007 of 2020 is hereinafter referred to as 'father' and the petitioner in W.P.Nos.19271 and 19437 of 2020 is hereinafter referred to as 'son'.



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3. The father was working as an Assistant Cashier from 1979 in Chennai Port Trust and he got married to one Dhanalakshmi in the year 1982. Out of their wedlock, they were blessed with one son and one daughter. Whiles, his father-in-law executed a registered settlement deed on 03.09.1986 in favour of his wife Dhanalakshmi, who in turn, executed a registered settlement deed in his favour on 29.09.1986. Thereafter, he built a residential house comprising of ground and first floor by obtaining a loan from the bank. In the year 2013, he given VRS and out of the retirement benefits, he has given Rs.10,00,000/- to his son for starting a business and also performed the marriages of his children. Thereafter, he settled the property in favour of his son on 19.12.2016 on the basis of the promise made by the son that he and his wife will take care of all the basic amenities of the father and mother. Subsequently, the son executed a settlement deed in favour of his wife/3rd respondent in W.P.No.16007 of 2020 on 16.05.2017. When the same was questioned by the father, the son physically assaulted the father and mother and drove them out of the house. In this regard, a complaint has been given before the law enforcing agency on 16.08.2017 and on the same day, the



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father filed a suit in O.S.No.195 of 2017 on the file of Principal District Judge at Chengalpattu seeking to set aside the settlement deed dated 19.12.2016 and the consequent settlement deed dated 16.05.2017.

3.1. The father and mother are suffering from age old disease and since a portion of the subject property was taken over by the son and his wife, they are unable to meet out the day-to-day expense and medical expenses with his pension amount and rent from the remaining portion of the subject property. Hence, he approached the Revenue Divisional Officer (RDO) on 08.03.2019 seeking cancellation of all the settlement deeds. Vide order dated 26.02.2020, the RDO upheld the settlement deed executed by the father in favour of the son and directed the son and daughter to pay a sum of Rs.5,000/- p.m. and Rs.2,000/- p.m. towards medical expenses to the father and mother and held that the son and his wife shall not alienate the remaining portion of the subject property. When such an order was passed, the daughter-in-law sold a portion of the property which stands in her favour to one Mangayarkarasi/4th respondent in W.P.No.16007 of 2020.



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3.2. Challenging the order of RDO, the father has preferred an appeal before the District Collector/Appellate Authority, the 1st respondent W.P.No.16007 of 2020 seeking cancellation of the settlement deeds and to enhance the amount towards medical expenses. Likewise, the son has also preferred an appeal on 06.07.2020 before the District Collector. Vide order dated 14.09.2020, the District Collector, has considered the appeal filed by the father and confirmed the order passed by the RDO and directed the son to pay a sum of Rs.5,000/- p.m. to the father, however set aside the direction issued to the daughter to pay a sum of Rs.2,000/- p.m. to the mother. Challenging the same, the father has filed W.P.No.16007 of 2020 and the son has filed W.P.No.19437 of 2020. However, the appeal filed by the son was not taken on file and not numbered by the District Collector. Hence, the son has filed W.P.No.19271 of 2020 seeking to consider and dispose of the appeal filed by him on 06.07.2020.

4. When these matters were taken up for hearing today, the son and his wife/respondents 2 and 3 in W.P.No.16007 of 2020 have filed a



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common affidavit dated 26.09.2025 before this Court. The relevant portion is extracted hereunder :-

“3. We submit that the petitioner purchased a XUV 500 car in 2016 and subsequently since the EMI for the Car could not be paid, the Finance Company seized the car on 16.08.2017 and sold the same. We submit that to my knowledge the Finance Company has not taken any steps to recover the car loan. We submit that in the event the Finance Company files any proceedings to recover the balance amount, we hereby undertake to settle the same and we will not allow the Petitioner or the Mother of the 1st of us and the Mother-in-law of the 2nd of us, Mrs.R.Dhanalakshmi to suffer any loss or liability from the Finance Company.

4. We submit that on 19.12.2016, the Petitioner executed a Settlement Deed in my registered as Document No.5718/2016 on the file of Alandur Sub Registrar office. Thereafter the 1st of us transferred the property to my wife's name, R.Nanthini, the 2nd of us, on 16.05.2017 under the Settlement Deed registered as Document No.2032/2017 on the file of Alandur Sub Registrar office.

5. We submit that presently the 2nd of us is the absolute owner of the property viz., All that piece and parcel of the building bearing Old No.60, New No.42, (Karikalan Street) Vellalar Street, Adambakkam, Chennai



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600 088, in Survey No.40/1T3, Ward No.3, Block No.5, Paimash Nos.657 & 658, T.S.No.21/1 of Adambakkam Vilalge, Alandur Municipality, Alandur Taluk, Kanchipuram District, measuring about 1000 sq.ft.

6. We submit that we hereby undertake not to transfer or sell or otherwise encumber the abovesaid property during the lifetime of the Petitioner and Mrs.R.Dhanalakshmi, the Mother of the 1st of us and the Mother-in-law of the 2nd of us. We also submit that Petitioner and Mrs.R.Dhanalakshmi, shall be entitled to reside in the said property and collect rents from the tenants in the said property and we shall not interfere in the peaceful enjoyment and possession of the said property by them.”

5. The learned Senior Counsel appearing for the father/petitioner in W.P.No.16007 of 2020 submits that in view of the affidavit filed by the son and daughter-in-law/respondents 2 and 3 in W.P.No.16007 of 2020, the suit filed against the son and daughter-in-law will be withdrawn by the father and mother.

6. Considering the fact that the son and his wife/respondents 2 and 3 in W.P.No.16007 of 2020 have filed a common affidavit, dated



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26.09.2025, this Court is inclined to dispose of these writ petitions in the following terms :-

(i) the father/petitioner in W.P.No.16007 of 2020 and mother/R.Dhanalakshmi are entitled to reside in their house till their lifetime and collect rents from the tenants in the subject property till their lifetime;

(ii) the son and his wife/respondents 2 and 3 in W.P.No.16007 of 2020 are directed not to disturb the peaceful possession and enjoyment of the subject property by the father and mother till their lifetime;

(iii) the son/2nd respondent in W.P.No.16007 of 2020 is directed to pay Rs.5,000/- p.m. to the mother/R.Dhanalakshmi on or before the 7th day of every English Calendar month till her lifetime;

(iv) the father/petitioner in W.P.No.16007 of 2020 and the mother/R.Dhanalakshmi shall deliver the possession of the property registered in favour of the 4th respondent in W.P.No.16007 of 2020, within a period of four weeks from the date of receipt of a copy of this order;

(v) the father and mother are directed to withdraw the suit, if any, pending against their son and daughter-in-law.



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7. Accordingly, these writ petitions are disposed of in the above terms. No costs. Consequently, the connected miscellaneous petitions are closed.

26.09.2025

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

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4th Floor, Singaravelalr Maaligai,
62, Rajaji Salai, Chennai Collectorate,
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M.DHANDAPANI, J.

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