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W.A.No.2421 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2025

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THE HON'BLE MR. JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Writ Appeal No.2421 of 2024

and

Civil Miscellaneous Petition No.17155 of 2024

Kannan

... Appellant

Vs.

1. Vittobai

2. The District Revenue Officer,
Central Madras Division,
Anna Nagar West Extension,
Chennai – 600 101.

3. The Sub Registrar,
Virugambakkam,
Chennai.

4.Saravanan

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent Act,
against the order dated 12.06.2024 in W.P.No.26201 of 2022.

For Appellant : Mr.S.Janarthanan

For RR2 & 3 : Mr.Vadivelu Deenadayalan
Additional Government Pleader

<https://www.mhc.tn.gov.in/judis>



JUDGMENT

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(Judgment of the Court was made by S.M.SUBRAMANIAM, J.)

The present intra Court appeal has been instituted to assail the order dated 12.06.2024 passed in W.P.No.26201 of 2022.

2. The first respondent Smt.Vittobai wife of late Punniyakodi is the senior citizen aged about 80 years. She as well as her husband when he was alive were neglected by their children. The husband of the first respondent senior citizen died. The complaint was registered before the Revenue Divisional Officer, Central Chennai. Since, no action has been taken by the competent authority under the Senior Citizen Act, Smt.Vittobai, first respondent filed W.P.No.1797 of 2022 seeking a prayer to dispose of the complaint given by her to cancel the Settlement deed executed in favour of the appellant, who is the son of the senior citizen.

3. This Court by order dated 16.02.2022 directed the Revenue Divisional Officer to conduct an enquiry and dispose of the complaint. Consequently, an enquiry was conducted. Statement of the senior citizen and the appellant were recorded. The senior citizen before the Revenue Divisional Officer has stated that she had executed a Settlement Deed in



favour of her son, viz., Kannan, mainly on the ground that he was taking care of the first respondent and out of love and affection and considering the future of her son, settled the property. The settlement deed was executed with a fond hope that the appellant and his wife will take care of the first respondent till her life time.

4. It is not in dispute that the property belongs to the senior citizen. Before the Revenue Divisional Officer, the senior citizen deposed that the appellant has not even provided food and medical treatment. At the age of 78 years, she is living alone and the daughter of the senior citizen namely Smt.Jayalakshmi is providing some assistance to the senior citizen. The senior citizen further deposed that the appellant Kannan had cheated the first respondent senior citizen and executed the settlement deed in his favour and subsequently, executed further settlement deed in favour of his wife.

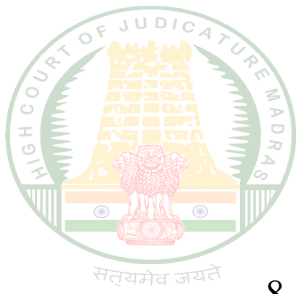
5. Considering the statement of the senior citizen, the Revenue Divisional Officer recorded the defence statement of the appellant. Even in the defence statement, the appellant has not stated that he was maintaining the senior citizen. Contrarily, he has stated that he is ready to maintain the senior citizen. Considering the facts and circumstances and based on the



evidence given by the senior citizen and the appellant, the Revenue Divisional Officer passed an order annulling the Settlement Deed executed by the senior citizen in favour of her son/appellant.

6. Pursuant to the orders passed by the Revenue Divisional Officer, the first respondent senior citizen filed W.P.No.26201 of 2022 to cancel the settlement deed and to handover the possession to her. At the outset, the writ petition was filed seeking implementation of the orders of the Revenue Divisional Officer. Admittedly, the appellant has not challenged the order passed by the Revenue Divisional Officer, Central Chennai, in proceedings dated 08.03.2022 annulling the Settlement Deed executed by the senior citizen in favour of the appellant. Thus, the said order is binding on the appellant. The writ petition, since filed by the senior citizen seeking implementation of the order of the competent authority, the writ Court allowed the writ petition. Thus, the appellant has chosen to file the present writ appeal.

7. The learned counsel for the appellant would submit that the appellant is ready and willing to take care of the senior citizen. However, mere statement would be insufficient for this Court to consider in the present writ appeal.



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8. Fact remains that the senior citizen was neglected. The appellant failed to provide even food, amenities and medical treatment. The senior citizen was totally neglected, despite the fact that, she executed a settlement deed in favour of the appellant. The settlement deed executed in favour the appellant in unequivocal terms and explicitly states that her son was maintaining the senior citizen during the relevant point of time, when the settlement deed was executed. Further, the settlement deed reveals that the property was transferred on account of love and affection and considering the future of her son. The condition stipulated under Section 23(1) of the Senior Citizen Act need not be explicitly made, it is sufficient, if it is implied.

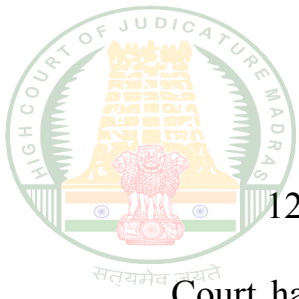
9. In the present case, the intention of the senior citizen is explicit and the statement in the settlement deed would be sufficient to form an opinion that the senior citizen executed settlement deed with a fond hope that her son will take care of the senior citizen, till her lifetime. That apart, the senior citizen has given a oral statement before the Revenue Divisional Officer that she was totally neglected by her son after executing the settlement deed. She is living alone and her daughter is assisting her. Thus, the settlement deed as well as the evidence before the Revenue Divisional



Officer would be sufficient to form an opinion that the senior citizen was neglected after executing the settlement deed in favour of the appellant.

10. Thus, this Court do not find any infirmity in respect of the order passed by the Revenue Divisional Officer in proceedings dated 08.03.2022. The said order became final and binding on the appellant. The writ order impugned which was issued directing the authorities to cancel the settlement deed by making necessary entries and handover the possession is in consonance with the order passed by the competent authority, under the Senior Citizen Act and therefore, this Court is not inclined to interfere with the order.

11. This Court has elaborately considered the legal principles with reference to the condition stipulated under Section 23(1) of the Senior Citizen Act, vide Judgment dated 06.03.2025 in W.A.No.3582 of 2024. Accordingly, the facts and circumstances in the present case reveals that the condition under Section 23(1) of the Senior Citizen Act is implied and that apart, the order of the competent authority became final, and the appellant has not challenged the same.



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12. Thus, the execution of the said order is inevitable and the writ Court has also formed an opinion in consonance with the legal principles and thus, the writ appeal is devoid of merits. The directions issued in the writ order impugned, is directed to be executed by the respondents 2 and 3 within a period of two (2) weeks from the date of receipt of a copy of this order.

13. The writ appeal stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition also stands dismissed.

(S.M.S., J.) (K.R.S., J.)
18.03.2025

ssi

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation Case : Yes/No

To:

1. The District Revenue Officer,
Central Madras Division,
Anna Nagar West Extension,
Chennai – 600 101.
2. The Sub Registrar,
Virugambakkam,
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S. M. SUBRAMANIAM., J.
AND

K. RAJASEKAR., J.

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