



WEB COPY



W.P.No.23491 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2025

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.23491 of 2022

Annadurai

.. Petitioner

vs

1. The District Collector
Salem, Salem District.
2. The Revenue Divisional Officer
Attur, Salem District.
3. The District Registrar
Salem Registration District, Salem.
4. The Sub-Registrar
Gengavali Sub-Registration Office
Gengavali, Salem District.
5. Sellammal
6. Gurunathan

[R5 & R6 impleaded vide order dated
07.03.2025 in W.M.P.No.8694 of 2025
in W.P.No.23491 of 2022]

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking a writ of certiorarified mandamus, calling for the records relating the order passed by the second respondent herein vide her proceedings vide PA.MU.6993/2019/A2 dated 00.06.2022 cancelling the Settlement Deed bearing Doc.No.747/2013 dated 13.12.2012 registered in the office of Sub-Registrar, Gangavali.

Page No.1 of 6



WEB COPY



W.P.No.23491 of 2022

For Petitioner : Mr.A.Logesh
For Respondents : Mr.R.Murthi
Government Advocate
for R1 to R4

ORDER

This writ petition has been filed challenging the impugned proceeding of the second respondent dated 00.06.2022, whereby, the settlement deed that was executed in favour of the petitioner by his mother dated 13.12.2012, registered as Doc. No.747/2013 was directed to be cancelled on the ground that the petitioner was not maintaining his mother.

2. During the pendency of this writ petition, the petitioner's mother expired and hence, the fifth and sixth respondents were impleaded as parties.

3. Heard *Mr.A.Logesh*, learned counsel for the petitioner and *Mr.R.Murthi*, learned Government Advocate for respondents 1 to 4.

Page No.2 of 6



W.P.No.23491 of 2022

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4. The short issue that arises for consideration is as to whether the second respondent was right in cancelling the settlement deed based on the application submitted by the mother under Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

5. On carefully going through the settlement deed dated 13.12.2012, registered as Doc.No.747/2013, it is seen that the settlement has been made absolutely in favour of the petitioner and the settlor, who is the petitioner's mother, has made it clear that the petitioner can enjoy the property absolutely and the settlor has not reserved any right to cancel the settlement deed. In view of the same, if the petitioner has not maintained his mother, the second respondent cannot proceed to cancel the settlement deed under Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007?

Page No.3 of 6



W.P.No.23491 of 2022

6. The issue involved in the present writ petition is no longer *res integra* and it is covered in the earlier order passed by this Court in the case of **Karuppan vs The District Magistrate-cum-District Collector and Ors.¹**.

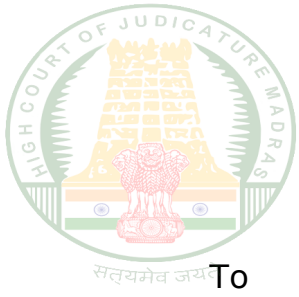
7. In view of the above, the impugned proceedings of the second respondent dated 00.06.2022 is hereby quashed and the settlement deed, executed in favour of the petitioner, is restored. In the result, the writ petition is allowed. There shall be no order as to costs. Consequently, W.M.P.Nos.22441 and 22443 of 2022 are closed.

01.07.2025

Speaking Order/Non-Speaking Order.
Internet : Yes/No.
Index: Yes/No.
Neutral Citation: Yes/No

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¹ W.P.No.4540 of 2022; Dated: 19.06.2025.



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To
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Salem, Salem District.
2. The Revenue Divisional Officer
Attur, Salem District.
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Gengavali, Salem District.



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N.ANAND VENKATESH, J.

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