



WEB COPY

WA.Nos.1478 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2025

CORAM

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

WA.No.1478 of 2025

and

CMP.No.11341 of 2025

Chinnappan,
S/o Gnanaprakasam,
Sesurajapuram Village and Post,
Anchetty Taluk,
Krishnagiri District.

.. Appellant

Vs.

1. John Britto,
S/o Chinnappan
2. The District Collector cum
District Executive Magistrate,
Krishnagiri District, Krishnagiri.
3. The Revenue Divisional Officer cum
Divisional Executive Magistrate,
Hosur, Krishnagiri District.
4. The Sub Registrar,
Denkanikottai, Krishnagiri District.
5. The Village Administrative Officer,
Natrapalayam Village,
Anchetty Taluk, Krishnagiri District.



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6. The Tahsildhar,
Anchetty Taluk,
Krishnagiri District.

7. Madalaimuthu,
S/o Lourdusamy

8. Anthony Swamy,
S/o Muthusami

9. Kanchana Mary,
W/o Prem Kumar

.. Respondents

(Cause title accepted vide order of
Court dated 03.09.2024 made in
CMP.No.19323/2024 in W.A.SR.96953/2024
[ACJ & PBBJ])

Prayer: Writ appeal filed under Clause 15 of the Letters Patent, against the
order dated 01.09.2023 passed by this Court in W.P.No.15388/2020.

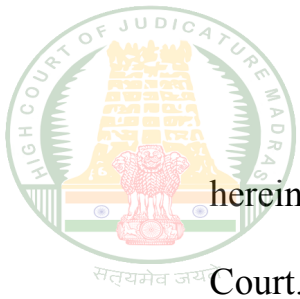
For Appellant : Mr.N.S.Siva Kumar

For Respondents : Mr.V.Prabhakaran for R1, R7 to R9
Mr.Vadivel Deenadayalan
Addl.Govt.Pleader for R2 to R6

JUDGMENT

(Judgment of the Court was delivered by J.NISHA BANU, J.)

This writ appeal has been filed as against the order passed by this
Court in W.P.No.15388 of 2020, which was filed by the son of the appellant



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herein, by which, the cancellation of settlement deed was set aside by this Court.

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2. The appellant is the father of 1st respondent/ John Britto. The appellant has 3 sons and 5 daughters. The appellant settled some of his immovable properties in favour of one of his sons, John Britto, who in turn, sold some extent of the settled properties to third party. Subsequently, the appellant approached the Revenue Divisional Officer seeking to cancel the settlement deed and the same was also cancelled vide order dated 06.10.2020. Aggrieved by the same, the appellant's son, John Britto filed W.P.No.15388 of 2020 seeking to set aside the order of cancellation of settlement deed and the same was allowed by this Court. Challenging the same, the present writ appeal has been filed by the appellant/father.

3. Heard the learned counsel for the appellant and perused the materials available on record.

4. It is seen from the records that the settlement deed was made by the appellant herein in favour of one of his sons, the 1st respondent herein and



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the said settlement is not subjected to any condition as contemplated under Section 23 of Maintenance and Welfare of Parents and Senior Citizens, Act, 2007. Further, 1st respondent/John Britto is not the only son of the appellant Chinnappan. The 1st respondent sold some extent of the settled properties to the third parties viz., 7th to 9th respondents herein. However, on the complaint given by the appellant, the Revenue Divisional Officer passed an order on 06.10.2020 cancelling the settlement deed. Aggrieved by the same, the said respondents/third party purchasers have filed a writ petition in W.P.No.19300 of 2020 challenging the said order dated 06.10.2020. The said writ petition was allowed remanding the matter back to the Revenue Divisional officer for a *de novo* consideration of the case of the subsequent purchasers. Thereafter, the Revenue Divisional Officer, by order dated 29.12.2022, uphold the title of the third party purchasers. Challenging the same, the appellant filed W.P.No.11820 of 2023 and the same was dismissed by this Court. Now, the present appeal has been filed as against the order passed by this Court in W.P.No.15388/2020 which was allowed, setting aside the order of cancellation of settlement deed.

5. Learned counsel for the appellant relied on the decisions of the



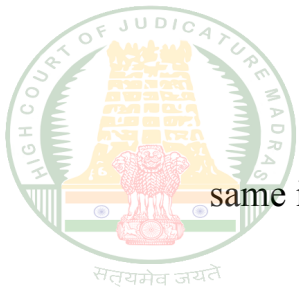
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Division Bench of this Court made in W.A.No.3788 of 2024 dated 22.04.2025(Palanisamy vs. Tmt.D.Eswari and ors.) and W.A.No.3642 of 2024 dated 07.04.2025 (Easwaramoorthy C.P. vs. C.Paranthaman and others) stating that even if the condition for maintenance is not expressly mentioned in the settlement deed and the transferee failing to maintain the senior citizen, then such settlement deed can be declared void.

6. The settlement deed was executed by the appellant in favour of the 1st respondent without any condition. Therefore, the appellant also cannot question the sale made by the 1st respondent to third party. Subsequent to the order passed in W.P.No.19300 of 2020, the Revenue Divisional Officer, by order dated 29.12.2022, has also uphold the title of the third party purchasers. The decisions relied on by the learned counsel for the appellant is not applicable to the present factual matrix of the case.

7. The writ Court has rightly held that Chinnappan/appellant cannot question the alienation made by the 1st respondent in favour of the 7th respondent as the Chinnappan/appellant had executed the settlement deed in favour of the 1st respondent, without any strings attached to it and that the



same is not liable to be cancelled.

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8. We find no infirmity or illegality in the order passed by the writ Court. Therefore, we are not inclined to interfere with the same. Accordingly, the Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[J.N.B.,J.] [M.J.R.,J.]
02.06.2025

vsi

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

To

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District Executive Magistrate,
Krishnagiri District, Krishnagiri.
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AND
M.JOTHIRAMAN,J.

vSI

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