



W.P.No.24092 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.24092 of 2023
and
W.M.P.No.23572 of 2023

1.Rani

2.K.Selvi

... Petitioners

Vs.

1.The Presiding Officer Maintenance and Welfare of Parents & Senior
Citizen Tribunal cum Revenue Divisional Officer,
Perambalur District.

2.Azhagan

3.The Sub Registrar,
Perambalur.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for records relating to the order dated 14.06.2023 in Mu.Mu.File No.A6/4211/2019 on the file of Presiding Officer Maintenance and Welfare of Parents & Senior Citizen Tribunal cum Revenue Divisional Officer, Perambalur District, the first respondent herein quash the order passed by the 1st respondent directing the 3rd respondent to cancel the Settlement Deed dated 04.10.2018 registered as Book 1 Document



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No.5243/2018 on the file of Joint I SRO, Perambalur and the Settlement Deed dated 04.10.2018 registered as Book 1 Document No.5244/2018 on the file of Joint I SRO, Perambalur.

For Petitioners : Mr.S.Selvakumar

For Respondents : Mr.A.M.Ayyadurai
Government Advocate [R1 & R3]
Mr.D.Rajagopal [R2]

ORDER

Aggrieved by the order passed by the 1st respondent, dated 14.06.2023 in Mu.Mu.File No.A6/4211/2019, the petitioners have filed this Writ Petition.

2. The 2nd respondent is the father of the petitioners. The land bearing S.F.No.283/1 having extent of 3.56 acres situated in Thuraimangalam Village, Perambalur District was originally belonged to one Ravana Gounder, who is the grandfather of the 2nd respondent, who purchased the same through sale deed dated 30.10.1947 from one Kalyani Ammal. Apart from that, Ravana Gounder also having land to the extent of 11 acre ancestrally and also possessed vacant plot. After his demise, all those properties were acquired and inherited by his daughters Ramayee and Pappathi as legal heirs. The 2nd respondent herein was the only of the



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said Ramayee. After alienation of some extent in 3.56 acre, the remaining extent of land was 2.15 cents, in which, the said Ramayee acquired 1.10 cents and her sister Pappathi acquired 1.05 cents as per the family arrangement. Subsequently, the 2nd respondent acquired the properties from his mother Ramayee. Out of love and affection, he had executed settlement deeds dated 04.10.2018 in favour of the petitioners and the same was registered as Doc.Nos.5243/2018 and 5244/2018. He had also executed settlement deed dated 17.06.2019 in favour of his son Ramaraj in respect of the agricultural lands to an extent of 5.40 $\frac{3}{4}$ cents and also vacant house lands with houses. Due to property dispute in the family, one Jayamani, who is sister of the petitioners had filed a suit in O.S.No.26 of 2019 on the file of Principal District Judge, Perambalur against the petitioners and others, in which the 2nd respondent received summons and he was set *ex-parte*. Subsequently, the *ex-parte* decree was set aside and the suit was restored as against the 2nd respondent. In the meanwhile, on the instigation of the petitioners' brother Ramaraj, the 2nd respondent filed a complaint before the 1st respondent u/s 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (in short 'the Act'). The 1st respondent, vide impugned order, dated 14.06.2023, cancelled the settlement deeds dated 04.10.2018 executed by



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the 2nd respondent in favour of the petitioners. Challenging the same, the present writ petition has been filed by the petitioners.

3. When the matter was taken up for hearing today, the learned counsel for the petitioner submits that the issue arises for consideration in this writ petition is no longer res-integra and the same was covered by the decision of Hon'ble Apex Court in the case of ***Sudesh Chhikara Vs. Ramti Devi and Anr.*** reported in ***2022 LiveLaw (SC) 1011*** and the decision of a Full Bench decision of this Court in the case of ***Sasikala Vs. The Revenue Divisional Officer cum Sub Collector, Devakottai, Sivagangai District & another [W.P. (MD) 6889 of 2015 etc. batch]***, decided on 02.09.2022.

4. The learned counsel appearing for the 2nd respondent submitted that out of love and affection, the 2nd respondent had executed settlement deeds in favour of the petitioners, however they failed to take care of the 2nd respondent, thereby he made a complaint before the 1st respondent. The 1st respondent, after elaborate enquiry, cancelled the settlement deeds executed in favour of the 2nd respondent, which does not require any interference. Further, he submitted that without awarding any



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maintenance in favour of the 2nd respondent, the 1st respondent has simple

set aside the settlement deeds executed by the 2nd respondent.

Accordingly, he prays for ordering maintenance in favour of the 2nd respondent.

5. Heard both sides and perused the materials available on record.

6. Admittedly, the 2nd respondent is the father of the petitioners and out of love and affection, he had executed settlement deeds in their favour without any condition. In order to ascertain the above said facts, this Court perused the settlement deeds executed by the 2nd respondent, from which, it is seen that the settlement deeds are irrevocable settlement deed. In the absence of any condition, the 1st respondent is not entitled to cancel the settlement deeds by invoking power available u/s 23(1) of the Act. Section 23(1) of the Act can be invoked only if the condition for maintaining the 2nd respondent. In the absence of the same, cancelling the settlement deeds is wholly unsustainable.



7. In *Sudesh Chhikara's* case, the Hon'ble Apex Court has held as follows :-

“14. Careful perusal of the petition under Section 23 filed by respondent no.1 shows that it is not even pleaded that the release deed was executed subject to a condition that the transferees (the daughters of respondent no. 1) would provide the basic amenities and basic physical needs to respondent no.1. Even in the impugned order dated 22nd May 2018 passed by the Maintenance Tribunal, no such finding has been recorded. It seems that oral evidence was not adduced by the parties. As can be seen from the impugned judgment of the Tribunal, immediately after a reply was filed by the appellant that the petition was fixed for arguments. Effecting transfer subject to a condition of providing the basic amenities and basic physical needs to the transferor – senior citizen is sine qua non for applicability of sub-section (1) of Section 23. In the present case, as stated earlier, it is not even pleaded by respondent no.1 that the release deed was executed subject to such a condition.

15. We have perused the counter affidavit filed by respondent no.1. Even in the counter, it is not pleaded that the release was subject to such a condition. It is merely pleaded that the appellant had no intention to take care of her mother. Thus, the order of the Maintenance Tribunal cannot be sustained as the twin conditions incorporated in sub-Section (1) of Section 23 were not satisfied. Unfortunately, the High Court has not adverted to the merits of the case at all.

16. There is an application for intervention on behalf of a developer. The intervenor claims that he is a bona fide buyer of a part of the land



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subject matter of the release deed from the appellant and that he has carried out substantial work of development It is not necessary for us to deal with the rights claimed by the intervenor. All questions regarding the rights claimed by the intervenor are left open to be decided in appropriate proceedings.

17. Hence, for the reasons recorded above, the appeal is allowed. The impugned order dated 22nd May 2018 passed by the Maintenance Tribunal as well as the order dated 21st May 2019 passed by the High Court are hereby set aside and the petition filed by respondent no.1 under Section 23 of the 2007 Act stands dismissed. There shall be no order as to costs.”

8. In *Sasikala Vs. Revenue Divisional Officer and another*

reported in **2022 SCC online Mad 4343**, the Hon'ble Full Bench of this Court had held as under :

“30.In this context, it is useful to refer to Rules 55 and 162 of the Rules, which are approved by the State Government under Section 69 of the Registration Act, 1908.

55. It forms no part of a registering officer's duty to enquire into the validity of a document brought to him for registration or to attend any written or verbal protest against the registration of a document based on the ground that the executing party had no right to execute the document: but he is bound to consider objections raised on any of the grounds stated below:-

- (a) that the parties appearing or about to appear before him are not the persons they profess to be;
- (b) that the document is forged;
- (c) that the person appearing as a representative, assign or agent, has no right to appear in that capacity;
- (d) that the executing party is not really dead,



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as alleged by the party applying for registration; or
(e) that the executing party is a minor or an idiot or a lunatic.”

Rule 162 of the Registration Rules reads as follows:

“162. When registration is refused the reasons for refusal shall be at once recorded in Book 2. They will usually come under one or more of the heads mentioned below:-

I. Section 19-- That the document is written in a language which the Registering Officer does not understand and which is not commonly used in the District, and that it is unaccompanied by a true translation and a true copy.

II. Section 20--That it contains unattested interlineations, blanks, erasures or alterations which in the opinion of the Registering Officer require to be attested.

III. Section 21---(1) to (3) and Section 22.-- That the description of the property is insufficient to identify it or does not contain the information required by Rule 18.

IV. Section 21(4).--That the document is unaccompanied by a copy or copies of any map or plan which it contains.

V. Rule 32.--That the date of execution is not stated in the document or that the correct date is not ascertainable.

VI. Sections 23, 24, 25, 26, 72, 75 and 77.-- That it is presented after the prescribed time.

VII. Sections 32, 33, 40 and 43.--That it is presented by a person who has no right to present it.

VIII. Section 34.--That the executing parties or their representatives, assigns, or agents have failed to appear within the prescribed time.

IX. Sections 34 and 43.--That the Registering Officer is not satisfied as to the identity of a person appearing before him who alleges that he has executed the document.

X. Sections 34 and 40.--That the Registering Officer is not satisfied as to the right of a person appearing as a representative, assign, or agent so to appear.

XI. Section 35.--That execution is denied by any person purporting to be an executing party or by his agent.



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Note:~When a Registering Officer is satisfied that an executant is purposely keeping out of the day with a view to evade registration of a document or has gone to a distant place and is not likely to return to admit execution within the prescribed time, registration may be refused the non-appearance being treated as tantamount to denial of execution.

XII. Section 35.--That the person purporting to have executed the document is a minor, an idiot or a lunatic.

Note:~When the executant of a document who is examined under a commission under Section 38 of the Act is reported by the Commissioner to be a minor, an idiot or a lunatic registration may be refused and it is not necessary that the Registering Officer should personally examine the executant to satisfy himself as to the existence of the disqualification.

XIII. Section 35.--That execution is denied by the representative or assign of a deceased person by whom the document purports to have been executed.

Note:-When some of the representatives of a deceased executant admit and others deny execution, the registration of the document shall be refused in toto, the persons interested being left to apply to the Registrar for an enquiry into the fact of execution.

XIV. Sections 35 and 41.--That the alleged death of a person by whom the document purports to have been executed has not been proved.

XV. Section 41.--That the Registering Officer is not satisfied as to the fact of execution in the case of a will or of an authority to adopt presented after the death of the testator or donor.

XVI. Sections 25, 34 and 80.--That prescribed fee or fine has not been paid.

XVII. Section 230(A) of the Income Tax Act, 1961 (Act 43 of 1961).--

That the prescribed certificates from the Income Tax Officer has not been produced.

XVIII. Section 10 of the Tamil Nadu Land Reforms (Fixation of Ceiling of Land) Act, 1961 (Act 58 of 1961).--That the declaration has not been filed by the transfer. XIX. Section 27 of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 (Act 24 of 1978).--That the statement has not been



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filed by the transferrer and transferee.

31. Hence as per Rule 55 of the rules approved by the State, the Registering Officer is bound to consider any objections as to the identity of person appearing before him as executant or authority as representing the executant or the allegation of forgery. When the Registering Authority accept any document for registration despite objections or refuse to register the document, the person aggrieved can file an appeal under Section 72 of the Registration Act. In view of the specific provision under Sections 71 to 77 of the Registration Act, the aggrieved persons may either file an appeal under Section 72 or submit an application before the Registrar as the case may be.

When the registrar refused to order the document to be registered under Section 72 or Section 76, it is open to the person aggrieved to institute a civil suit within the local limits of the whose original jurisdiction, the Registrar Office, in which, the document is sought to be registered is situate for a decree directing the document to be registered.

32. The scope of Sections 71 to 76 and the procedure to be followed were considered by the Hon'ble Supreme Court in Veena Singh's case reported in (2022) 7 SCC 1. On the combined reading of the provisions of the Registration Act and the Rules approved by the State Government of Tamil Nadu, and the other Provisions relating to Registration of Power of Attorney deed as dealt with by the Hon'ble Supreme Court in the case of Asset Reconstruction Company (India) Limited-vs-S.P.Velayutham and others, reported in 2022 SCC Online 544, the registering authority, whether he is exercising a quasi-judicial power, or performing an administrative act, the High Court is empowered to see whether he performed the duties statutorily ordained upon him in the manner prescribed by law. The Hon'ble Supreme Court in the case of Suraj Lamp and Industries (P) Ltd, vs. State of Haryana, reported in (2009) 7 SCC 363, has considered the object of Registration Act, 1908. It is held that registration provides safety and security to transactions relating to immovable property and it gives publicity and public exposure to documents thereby prevent forgeries and frauds in regard to execution of documents. It is further held that Registration gives solemnity of form and perpetuate documents which are of legal importance or relevance by recording them, where people may see the record and enquire and ascertain what the particulars are and as far as land is concerned what obligations exist with regard to them.

Registration ensures that every person dealing with



immovable property can rely with confidence upon the statements contained in the registers (maintained under Registration Act) as a full and complete account of all transactions by which title to the property can be ascertained. Any act or omission of Registrar which may interfere with the transfer or title of anyone has to be deprecated as one against public policy.”

9. In view of the law lay down by the Hon'ble Full Bench of this Court in the Judgement cited supra, this Court is inclined to allow this writ petition.

10. As rightly pointed out by the learned counsel appearing for the 2nd respondent, the 1st respondent, while cancelling the settlement deeds, had failed to order any monthly maintenance in favour of the 2nd respondent. Hence, this Court is of the view that it would be in the interest of justice if the petitioners are directed to pay a particular sum for every month for the maintenance of the 2nd respondent, who is their father, as it is the duty of the daughters to maintain their father.

11. In the above circumstances, this Court passes the following order:-



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(i) The writ petition is allowed and the impugned order passed by the 1st respondent cancelling the settlement deeds dated 14.06.2023 is set aside;

(ii) The petitioners are directed to pay a sum of Rs.2,500/- per month (Rupees Two Thousand Five Hundred only) each to the 2nd respondent towards monthly maintenance from the date of petition before the 1st respondent, till the month of October, 2025, and thereafter, shall pay a sum of Rs.5,000/- per month (Rupees Five Thousand only) each to the 2nd respondent from the month of November, 2025 till the lifetime of the 2nd respondent. The said maintenance amount shall be paid to the 2nd respondent on or before the 7th day of every English Calendar month;

(iii) Failure of the petitioners to pay the monthly maintenance amount as directed above, the 2nd respondent/father of the petitioners is permitted to bring the same to the knowledge of the 1st respondent by filing appropriate representation and upon receipt of the said representation, the 1st respondent shall ensure that the petitioners pay the said amount to the 2nd respondent every month;

(iv) if any encumbrance is made pursuant to the impugned order passed by the 1st respondent, the 3rd respondent is directed to remove the same forthwith;

(v) Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.



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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes/No

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To

1.The Presiding Officer Maintenance and Welfare of Parents & Senior
Citizen Tribunal cum Revenue Divisional Officer,
Perambalur District.

2.The Sub Registrar,
Perambalur.



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M.DHANDAPANI, J.

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