



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-03-2025

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CORAM

THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

WA No. 3096 of 2024

AND

CMP NO. 23514 OF 2024

1. Natchimuthu

2. Chinnappan

Appellant(s)

Vs

1. The District Collector

Tiruppur District,

Tiruppur.

2.The Revenue Divisional Officer

Udumalpet,

Tiruppur District.

3.Kaliammal

Respondent(s)

WA No. 3096 of 2024

PRAYER

To set aside the impugned order dated 28-06-2024 made in WP.No.17272 of 2021 by allowing this Writ Appeal.



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For Appellant(s): Mr.D.R.Arunkumar
For Mr.R.Kannan

For Respondent(s): Mr.Vadivelu Deenadayalan AGP
For R1 and R2
Mr.B.Srinivasan and
Mr.K.Rajapandi For R3

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

Under assail is the order dated 28.06.2024 in W.P.No.17272 of 2021. The writ petitioners are the appellants before this Court. The 3rd respondent, a senior citizen, had lodged a complaint with the Revenue Divisional Officer (RDO) under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, [hereinafter referred to as 'Senior Citizens Act'].

2. The RDO conducted an inquiry by affording opportunities to the parties and the statements of the senior citizen and the appellants were recorded. The senior citizen before the RDO deposed that she had been ill-treated and neglected by the appellants. Moreover, being an illiterate woman, the senior citizen claimed that the appellants had fraudulently transferred her properties.



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The RDO ordered for grant of maintenance. An appeal was filed by the senior citizen before the District Collector/Appellate Authority. The District Collector elaborately considered the facts and the manner in which the senior citizen were neglected by her own son. The order of the District Collector reveals that the senior citizen was not only neglected but the property transfer was fraudulent. Therefore, by invoking the deemed Clause under the provisions of the Act, the settlement deeds executed by the senior citizen in favour of the appellant were declared as null and void.

3. Challenging the order of the District Collector, a writ petition was filed.

The learned Single Judge considered the facts and made a finding that an implied condition would be sufficient to satisfy the requirements under Section 23(1) of the Senior Citizens Act. In the present case, the condition is implied, since the 3rd respondent/senior citizen is an illiterate and she has not even signed the document, but her thumb impression was obtained. Taking note of the facts and circumstances, the Writ Court dismissed the the writ petition, which resulted in institution of the present Intra-Court Appeal.



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4. The learned counsel for the appellants would mainly contend that the appellants are ready and willing to maintain the senior citizen or in alternate they are ready to pay any reasonable monthly maintenance amount if fixed by this Court. That apart, the allegation of fraud is false and therefore, the writ appeal is to be considered.

5. The learned counsel appearing on behalf of the 3rd respondent would oppose by stating that the senior citizen is an illiterate woman and the settlement deeds were executed in a fraudulent manner. The statement of the senior citizen before the RDO is sufficient to form an opinion that the senior citizen was totally neglected by the appellants. Thus, there is no infirmity and the writ appeal is to be rejected.

6. This Court considered the submissions made on behalf of the parties to the *lis* on hand.

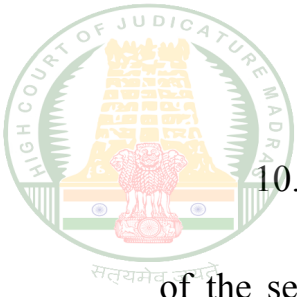


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7. A careful reading of the settlement deeds reveal that the senior citizen executed the same out of love and affection, and for the future welfare of the appellants. The very spirit of the express statement in the settlement deed would be sufficient to form an opinion that the senior citizen was hopeful that she would be taken care of by the appellants during her old age and for her life time, with love and affection.

8. When the appellants neglected the senior citizen, the complaint came to be instituted.

9. Section 23(1) of the Senior Citizens Act in unequivocal terms reiterate that the transferee shall provide the basic amenities and basic needs to the transferor and such transferee refuses or fails to provide such amenities and physical needs, the said transfer of property shall be deemed to have been made by fraud or coercion or under undue influence and shall at the option of the transferor be declared void by the Tribunal.



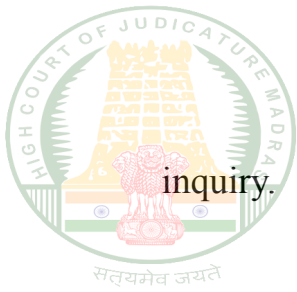
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10. Importantly, it is not merely providing amenities, the physical needs of the senior citizen must also be taken care of by the transferee. Therefore, taking care of the senior citizen with love and affection is contemplated under the provisions of the Act.

11. The family setup in Indian Society and the Cultural values must also be taken into consideration, while deciding such issues for the purpose of protecting the life of the senior citizen.

12. In the present case, the evidence recorded by the RDO reveals that the appellants did not even attend to the senior citizen for providing medical treatment. Medical treatment was denied, and the senior citizen, being an illiterate, could not independently visit the hospital. Furthermore, the senior citizen was forcibly driven out of the house.

13. Under those circumstances, the daughter of the senior citizen has taken care of her, which was clearly recorded by the RDO during the course of



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14. Section 2(b) of the Act defines “maintenance” includes provision for food, clothing, residence and medical attendance and treatment. Section 2(k) defines “welfare” means provision for food, health care, recreation centres and other amenities necessary for the senior citizens.

15. Section 4 of the Senior Citizens Act reads as under:

“4. Maintenance of parents and senior citizens – (1) A senior citizen including parent who is unable to maintain himself from his own earning or out of the property owned by him, shall be entitled to make an application under Section 5 in case of- (i) parent or grand-parent, against one or more of his children not being a minor; (ii) a childless senior citizen, against such of his relative referred to in clause (g) of Section 2.

(2) The obligation of the children or relative, as the case may be, to maintain a senior citizen extends to the needs of such citizen so that senior citizen may lead a normal life.

(3) The obligation of the children to maintain his or her parent extends to the needs of such parent either father or mother or both, as the case may be, so



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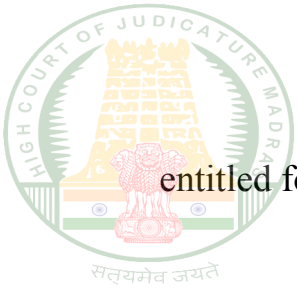
that such parent may lead a normal life.

(4) Any person being a relative of a senior citizen and having sufficient means shall maintain such senior citizen provided he is in possession of the property of such senior citizen or he would inherit the property of such senior citizen:

Provided that where more than one relatives are entitled to inherit the property of a senior citizen, the maintenance shall be payable by such relatives in the proportion in which they would inherit his property.

16. A holistic reading of the definition of maintenance, welfare and Section 23 reveals that the intention of Parliament is explicit; mere payment of maintenance to the senior citizen is insufficient. Adequate care must be taken to ensure the senior citizen's well-being throughout their old age and life.

17. The intention of Parliament and the objective of the Act are clear. The Courts are not only expected to decide on the grant of maintenance amount to senior citizens, but also to consider their overall well-being, including medical attendance, physical needs, and lifestyle, etc., which they maintained throughout their life. In the event of neglecting any one of these aspects, senior citizens are



entitled for the relief including annulment of settlement or gift deed executed.

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18. The District Collectors, under the Rules, are the custodians and are empowered to ensure that the senior citizens' properties and lives are protected under the provisions of the Act.

19. In the present case, the senior citizen has given an evidence before the RDO, which was elaborately considered by the appellate authority as well. The appellate authority formed an opinion that the settlement deed was executed fraudulently and consequently annulled the settlement deed by invoking the powers conferred under the Senior Citizens Act.

20. The legal position regarding the conditions to be complied with under Section 23(1) of the Senior Citizens Act has been elaborately considered by this Court in W.A.No.3582 of 2024, judgment dated 06.03.2025. The conditions need not be explicit; an implied or implicit condition would be sufficient to draw an inference that the senior citizen transferred the properties with a fond



hope that adequate care would be taken during her/his old age until their lifetime.

21. In the present case, the neglect on the part of the appellants had been established before the Revenue Divisional Officer/competent authority, District Collector/appellate authority and before the Writ Court. Thus, no further appreciation of facts needs to be undertaken by this Court. Consequently, the appellants are not entitled to succeed.

22. However, we make it clear that the relief granted by the District Collector/appellate authority is to be executed by the District Collector, Tiruppur District, by restoring possession of the property and hand over the same to the senior citizen, enabling her to live peacefully, within a period of eight (8) weeks from the date of receipt of a copy of this order.



21. With the above directions, the Writ Appeal stands dismissed.

Consequently, the connected Miscellaneous Petition is closed. There shall be no order as to costs.

(S.M.SUBRAMANIAM J.)(K.RAJASEKAR J.)

18-03-2025

Jeni

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1.The District Collector

Tiruppur District, Tiruppur

2.The Revenue Divisional officer

Udumalpet, Tiruppur District

3.Kaliammal

W/o. Karuppuchamy, No.4/127,

Kilzhakku Thottam, Thottathusalai,

jallipatti, Thottampatti Village, Tiruppur

District



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**S.M.SUBRAMANIAM
J.
AND
K.RAJASEKAR J.**

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