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WP No. 26084 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 18-09-2025**

CORAM

**THE HONOURABLE MR JUSTICE M.DHANDAPANI**

**WP No. 26084 of 2021**

**AND**

**WMP NO. 27532 and 27531 OF 2021**

M.Chinnappan  
S/o.Muthusamy, No.12/ 77, Vadivirayan  
Street, Vaduvurthenpathi,  
Needamagalam Taluk, Thiruvarur  
District.

Petitioner(s)

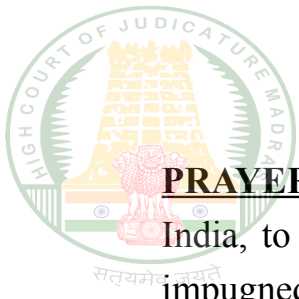
Vs

1. The District Collector  
and Appellate Tribunal for Maintenance  
and Welfare of Parents and senior  
Citizens, Thiruvarur.

2.The Sub Divisional Magistrate /  
Revenue Divisional Officer, (Tribunal  
For Maintenance And Welfare Of  
Parents And Senior Citizens ),  
Mannargudi.

3.Muthusamy

Respondent(s)



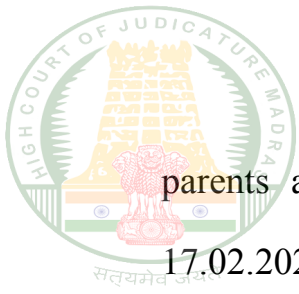
**PRAYER:** This writ petition has been filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records with respect of the impugned order passed by the 1st respondent in his proceedings dated 10.11.2021 in Mu. Mu. 1088/ 2020 / C2 and quash the same.

For Petitioner(s): Mr.R.Nalliyappan  
For Respondent(s): Mrs.S.Anitha, SGP RR1 & 2  
R3 – No appearance

### **ORDER**

The writ petition has been filed seeking to quash the impugned order passed by the 1st respondent in his proceedings dated 10.11.2021 in Mu. Mu. 1088/ 2020 / C2.

2. It is the case of the petitioner that the 3<sup>rd</sup> respondent is the elder son of the petitioner herein. Out of love and affection, the petitioner executed a settlement deed in favour of the the 3<sup>rd</sup> respondent vide document No.677 of 2021. Later the petitioner herein came to know that the 3<sup>rd</sup> respondent fraudulently to defraud the petitioner prepared the settlement deed for the A schedule property which has been allotted in favour of the petitioner and the same has been registration before the SRO, Mannargudi. Immediately the petitioner herein presented a document to cancel the said settlement deed before the SRO, Mannargudi on 24.02.2021 and the same was kept for registration in pending document No.P/11/2021. On 28.08.2021 the petitioner made an application before the second respondent under the maintenance and welfare of



parents and senior citizens Act 2007 to cancel the settlement deed dated 17.02.2021. The second respondent vide his proceedings dated 28.08.2021 after considering the documents and evidence submitted before him passed an order by cancelling the settlement deed dated 17.02.2021. Aggrieved over the same, the 3<sup>rd</sup> respondent has filed an appeal before the first respondent. Without providing any opportunity to the petitioner, the first respondent passed an order dated 10.11.2021 by setting aside the order of the second respondent. Against the order of the first respondent, the petitioner has filed the present writ petition.

3. The learned counsel for the petitioner submitted that the second respondent by invoking section 23 (1) of the maintenance and welfare of parents and senior citizens Act 2007 cancelled the settlement deed after due enquiry, whereas the first respondent without assigning any reason set aside the order of the second respondent is not sustainable. The petitioner has established the fact that the 3<sup>rd</sup> respondent defrauded the petitioner herein by creating the document in the style of settlement deed dated 17.02.2021. Without considering the same, the first respondent set aside the order, which is non-est in law. Therefore, the learned counsel prays to set aside the order passed by the first respondent.

4. Heard the learned counsel for the petitioner and perused the materials available on record. Though the name of the 3<sup>rd</sup> respondent has been printed in the cause list, there is no representation for the third respondent. Considering the pendency, this Court is inclined to dispose the case on merits based on



available records.

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5. Admittedly, the petitioner executed a un-revokable settlement deed in favour of the third respondent without any condition. This Court perused the settlement deed. On perusal of the same, it is seen that no condition was imposed by the petitioner in the settlement deed executed in favour of the third respondent. In the absence of any condition, the first respondent has rightly rejected the petitioner's request and awarded monthly maintenance. For the very same relevant issue, the Full Bench of this Court, has already passed an order and the relevant portion is extracted hereunder;

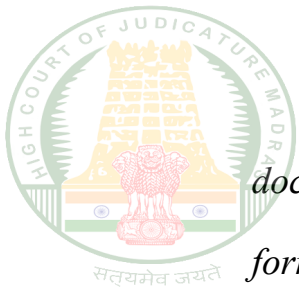
*"31.Hence as per Rule 55 of the rules approved by the State, the Registering Officer is bound to consider any objections as to the identity of person appearing before him as executant or authority as representing the executant or the allegation of forgery. When the Registering Authority accept any document 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*



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*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 quashi-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*



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*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."*

6. Following the aforesaid decision, the prayer sought for by the petitioner cannot be granted and accordingly, the writ petition is dismissed. If the third respondent is not paid the maintenance to the petitioner, liberty is granted to the petitioner to work out the remedy in the manner known to law. No costs.

**18-09-2025**

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

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and Appellate Tribunal for Maintenance  
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