



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-08-2025

CORAM

THE HONOURABLE MS. JUSTICE P.T. ASHA

WP No. 28009 of 2025

1. Sennaiyanaidu
S/o.Yarappa Naidu,
No.1/13, Mindigiri Kalarpathi Post,
Mathinayakkampatti, Kalarpathi,
Krishnagiri 635203.

Petitioner(s)

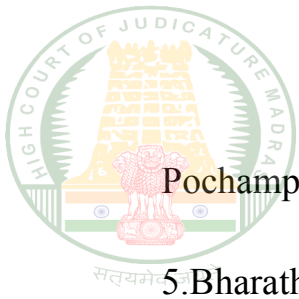
Vs

1. The District Collector
Collector Office Road, Krishnagiri 635 115.

2.The Revenue Divisional Officer,
Bangalore Road, Veerappa Nagar,
Krishnagiri 635 001.

3.Govindaraj,
S/o.Errappanaidu,
Residing At Mindigiri Village, Kalarpathi Post,
Pochampalli Taluk, Krishnagiri 635203.

4.Sathish,
S/o.Govindaraj,
Residing At Mindigiri Village, Kalarpathi Post,



Pochampalli Taluk, Krishangiri 635203.

5.Bharathi,

W/o.Late Ethiraj,

Residing At Kuttapatti Village, Chandur Post,
Pochampalli Taluk, Krishangiri 635203.

6.Purusothaman,

S/o.Late Ethiraj,

Residing At Kuttapatti Village, Chandur Post,
Pochampalli Taluk, Krishangiri 635203.

7.Thangaraj,

S/o. Errappanaidu,

Midigiri Village, Kalarpathi Post, Pochampalli Taluk,
Krishangiri 635203.

Respondent(s)

PRAYER

To call for records vide Mu.Mu.35970 / 2022 / C2 dated 15/12/2022 on the file of 1st respondent and quash the same as arbitrary, illegal and without jurisdiction and further direct the 1st respondent to cancel the 1. settlement deed dated 10/11/2008, executed in favour of 4th respondent and registered as Document No.2803 /2008, on the file of SRO Pochampalli and 2.settlement deed dated 20/02/2008, executed in favour 6th respondent, and registered as Document No.419 of 2008 on the file of SRO Pochampalli.

For Petitioner(s): Ms. N.Beulah John Selvaraj

For R1 and R2: Mr.K.Suresh,
Government Advocate



ORDER

The writ petition is filed for the below relief:

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To call for records vide Mu.Mu.35970/2022/C2 dated 15/12/2022 on the file of 1st respondent and quash the same as arbitrary, illegal and without jurisdiction and further direct the 1st respondent to cancel the 1. settlement deed dated 10/11/2008, executed in favour of 4th respondent and registered as Document No.2803 /2008, on the file of SRO Pochampalli and 2.settlement deed dated 20/02/2008, executed in favour 6th respondent, and registered as Document No.419 of 2008 on the file of SRO Pochampalli.

2. The brief facts which are culminated in the filing of this writ petition are set out below:

2.1. The petitioner herein was the owner of the property comprised in S.No.19/3, measuring one acre and 19/3B measuring two acres in Mathinayakkampatti village, Pochampalli Taluk, Krishnagiri District. He having purchased and registered the sale deed in the year 1969. The petitioner and his wife Radha, had three sons namely Govindaraj (3rd respondent), Ethiraj (predeceased), and Thangaraj (7th respondent). His eldest son Govindaraj married to one Vimala and they have two children, namely Sathish (4th



Respondent) and Kiran. His second son Ethiraj had passed away on 15.01.2007,

and0 was married to Bharathi (5th Respondent) and they had a son namely

Purushothaman (6th Respondent).

2.2 The petitioner would submit that in the belief that he and his wife would be taken care in their old age, he had executed a settlement deed dated 10.11.2008, registered as Document No.2803/2008 on the file of the SRO Pochampallai in favour of the 4th respondent and another settlement deed dated 20.02.2008 registered as Document No.419/2008 on the file of the SRO, Pochampallai, in favour of the 6th respondent. However, contrary to his belief, after the execution of the settlement deed, his sons failed to take care of him and had driven them out of their home, denied medical assistance and even the basic needs. They had to live in a cowshed, surviving on a single meal a day. The petitioner was a farmer and his wife was a home maker. His wife had become very ill in the year 2021 and despite his efforts to get medical treatment for her, she passed away on 31.01.2023. His sons had not contributed any amount for her medical need. In fact, when the petitioner had approached his sons, they had used abusive language against him and the efforts of the villagers to bring about



rapprochement did not yield the desired result.

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3. The petitioner would submit that he requires a sum of Rs.10,000/- per month to meet his expenses for food and medicine. Since he was not been taken care of by his children, he had moved the Authorities by invoking the Provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (herein after called the Act) seeking to cancel the settlement deeds executed in favour of the 4th and 6th respondent and for direction for maintenance.

4. The 2nd respondent by order dated 31.05.2022, had directed the 3rd and 4th respondent to pay a sum of Rs.3,000/- and the 5th and 6th respondent to pay another sum of Rs.3,000/- as monthly maintenance. However, the request of the cancellation of the settlement deed was not addressed by the Registrar. Challenging the order, the petitioner had preferred an appeal before the 1st Respondent. The 1st respondent by his order dated 15.12.2022 directed the 7th respondent to pay Rs.3000/- per month as maintenance, but rejected the cancellation of the settlement deeds on the ground that the deeds did not contain



any condition requiring the transferees to provide basic amenities and physical needs. Challenging the above order, the above writ petition has been filed.

5. The ground on which the petitioner seeks to challenge the order is that the authorities have failed to consider the pitiable condition of the petitioner and his wife and their ages as well.

6. The learned Counsel appearing for the petitioner would reiterate these grounds and state that after the demise of his wife, the petitioner is leading his life with very great difficulty. He would submit that the settlement deeds had been executed in favour of his grand children, with a fond hope that his children would take care of him and his wife in their old age. However, the belief was misplaced.

7. Heard the learned counsels on either side and perused the records.

8. It is seen that the petitioner had sought the relief of maintenance as well as cancellation of the settlement deeds. The relief of maintenance has been granted to the petitioner and he is only aggrieved of the fact that the Authorities



have rejected his request for cancelling the settlement deeds under Section 23(1)

of the Act.

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9. Section 23 of the Act would read as follows:

" Where any senior citizen who, after the commencement of this Act, has by way of gift or otherwise, his property, subject to the condition that the transferee shall provide the basic amenities and basic physical 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 ."

A reading of the section would clearly show that the deed which is sought to be cancelled should contain the clause that the same has been executed for the maintenance and upkeep of the senior citizen.

10. In the judgment of the Hon'ble Supreme Court, in the case of **Sudesh Chhikara vs. Ramti Devi** reported in **2022 SCC online SC Pg 1684** has refused



to grant benefit of Section 23, since there was no averment in the document in question that the transfer was subject to condition for maintenance of parents. It

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has been observed that the deed did not contain any condition that the transfer was subject to transferee maintaining the petitioner.

11. In paragraph No.14 of the said judgment, it has been observed as follows:

"14. Careful perusal of the petition under section 23 filed by respondent -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 22.05.2018 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.*

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12. Therefore in the light of the above judgment, I see no reason to hold
otherwise and consequentially, the writ petition is dismissed. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1.The District Collector
Collector Office Road,
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2.The Revenue Divisional Officer,
Bangalore Road, Veerappa Nagar,
Krishnagiri 635 001.



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