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WP No. 29686 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-10-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 29686 of 2022

AND WMP NO. 29078 and 29076 OF 2022

A.Rajasekar

Petitioner(s)

Vs

1. The District Collector / Appellate Tribunal
(Under the Maintenance and Welfare of Parents and
Senior Citizens Act) Thiruvannamalai District,
Thiruvannamalai

2.The Revenue Divisional officer / Maintenance Tribunal
(Under The Maintenance Ad Welfare of Parents And
Senior Citizens Act) Arni, Thiruvannamalai District

3.The Tahsildar
Arni, Thiruvannamalai District

4.The Sub Registrar
Arni, Thiruvannamalai District

5.A.Saroja

6.A. Lakshmi

Respondent(s)

PRAYER; This writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, Call for the records relating to the impugned order passed by the 1st respondent in Appeal petition No. A4 / 744 / 2022 dated 26.09.2022 and consequential impugned order issued by the 4th Respondent in No. Nil dated 29.09.2022 and to quash the same.



For Petitioner(s): Mr.G.Sankaran, Sr.C.
For M/s.S. Nedunchezhiyan
For Respondent(s): Mrs.S.Anitha, SGP RR1 to 4
M/s. Naveen Kumar Murthi
For R5 And R6

ORDER

This petition has been filed seeking to quash the impugned order passed by the 1st respondent in Appeal petition No. A4 / 744 / 2022 dated 26.09.2022 and consequential impugned order issued by the 4th Respondent in No. Nil dated 29.09.2022.

2. It is the case of the petitioner that he is the absolute owner of the housing plot to an extent of 2193 sq. ft. comprised in T.S.No.28 Arni Town, Thiruvannamalai District wherein he constructed residential house in the year 2016 wherein the petitioner and his wife, three children as well as his elder sister, the 5th respondent herein are residing there. The petitioner's father was the owner of the land in S.No.7/1B to an extent of 1.18.50 ares, S.No.73/1 to an extent of 0.73.00 ares and S.No.73/1 to an extent of 1.91.50 ares, Nalvapalayam Village, Pulavanpadi, Arni Taluk, Thiruvannamalai District as well as house site to an extent of 2193 sq. ft. in T.s.No.28 Arni Town. The petitioner's father has executed a Will on 12.05.1995 by which all the lands including the above stated house sites are directed to be divided into five shares. Subsequently, the petitioner's father died on 25.07.1995. in 2015, the petitioner's mother and the



respondents 5 & 6 who are sisters of the petitioner, executed a settlement deed in respect of house site land in TS.No.28 to an extent of 2193 sq. ft. by transferring the rights over the property in favour of the petitioner. While so, after several years, based on ill advise of some unknown persons, the husband of the 6th respondent, the respondents 5 & 6, with a view of extract money from the petitioner or for grabbing the property already settled in his favour, made a complaint to the first respondent on 04.10.2021, who forwarded the same to the second respondent. The second respondent conducted enquiry and issued orders on 31.05.2022 rejecting the claim of the respondents 5 & 6. Challenging the same, the respondents 5 & 6 preferred an appeal to the first respondent. The first respondent passed an order dated 26.09.2022 stated that the order of maintenance has been cancelled and the land property transferred through settlement deed in favour of the petitioner has been restored in their name. Consequently to the impugned order, the 4th respondent issued consequential impugned order dated 29.09.2022 stating that the settlement deed in document No.7160 of 2015 is cancelled as per the order passed by the first respondent dated 26.09.2022. Aggrieved over the same, the petitioner has filed the present writ petition challenging the order dated 26.09.2022 and 29.09.2022.

3. The learned counsel for the petitioner submitted that initially the complaint has been made by the respondents 5 & 6 before the second respondent which itself is not maintainable. The representation submitted by the



respondents 5 & 6, married persons, owner of various landed properties, under the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is not maintainable. However, the 5th respondent who is the elder sister, aged about 66 years and she is residing along with the petitioner in the same subject property. Her husband has deserted much earlier. However, the 6th respondent is not a senior citizen and she is residing along with her husband. The settlement deed executed by the respondents 5 & 6 is irrevocable deed without any condition and the same cannot be cancelled under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act.

4. Per contra, the learned counsel for the respondents 5 & 6 submitted that out of love and affection, the petitioner being a brother of them, executed a settlement deed in favour of the petitioner, on the presumption, the petitioner will take care of the respondents rest of their lifetime. However, the petitioner failed to take care of them, they have made a complaint before the second respondent for cancellation of settlement deed under the Act. The said fact was not properly adjudicated by the second respondent. However, the first respondent has not properly considered the issue and cancelled the settlement deed, which is not sustainable.

5. Heard, the learned counsel for the petitioner and the learned Special



Government Pleader for the respondents 1 to 4 and the learned counsel for the respondents 5 & 6 and perused the materials available on record.

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6. Admittedly, the petitioner and the private respondents are brother and sisters. It is not in dispute that the 5th respondent is aged about 66 years and the 6th respondent is below 60 years. The 6th respondent is not entitled to made a complaint before the respondent since she is below the age of 60 years. Hence the complaint before the second respondent is not maintainable. If the 6th respondent has any grievance with regard to the settlement deed, she has to approach the competent civil Court.

7. In respect of the 5th respondent, she is aged about 66 years. She is now under the control of the petitioner and she is a deserted women. She executed a settlement deed in favour of the petitioner believing that the petitioner will take care of her rest of the life time. However, the said settlement deed is irrevocable settlement deed and the same cannot be cancelled under the 23 of the Act. This issue has been covered by the Judgment of the Hon'ble Full Bench of this Court, in ***Sasikala Vs. Revenue Divisional Officer and another*** reported in ***2022 SCC online Mad 4343***, wherein the Hon'ble Full Bench of this Court had held that when a settlement deed is executed, the same cannot be cancelled unilaterally. 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 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 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."

8. In view of the law lay down by the Hon'ble Full Bench of this Court in the Judgement cited supra, this Court cannot be cancelled the settlement deed. However, this Court directs the petitioner to pay a sum of Rs.5000/- (Rupees Five thousand only) towards maintenance to the 5th respondent on or before 5th of every month and allow the 5th respondent to continue to reside along with the petitioner in a portion of the same subject property. This Court grants liberty to the 6th respondent to workout his remedy in the manner known to law.



9. With the above directions, the writ petition is disposed of.

Consequently, connected miscellaneous petitions are closed. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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