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W.A No. 3442 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2025

CORAM

THE HON'BLE MR JUSTICE R.SURESH KUMAR

AND

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

W.A No. 3442 of 2025

And

CMP.No. 28137 of 2025

S. Meenakshi

..Appellant

Vs

1. Jayalakshmi

2.The District Collector,
No.62, Rajaji Salai, 4th Floor,
Beach Road, George Town,
Chennai-600001.

3.The Revenue Divisional Officer,
South Chennai Range,
Guindy, Chennai-600032.

..Respondents

Writ Appeal is filed under Clause 15 of Letter Patent to set aside the order dated 13.12.2024 passed in W.P.No. 9317 of 2023.



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For Appellant: Mr.V.Chandrasekaran

For Respondents : M/s. N. Kavitha Rameshwar - R1

Mrs. M. Jayanthi, AGP – R2 & R3

JUDGMENT

(Made by ***HEMANT CHANDANGOUDAR, J.***)

The challenge in this intra-Court appeal is to the order dated 13.12.2024 passed by the learned Single Judge in W.P. No. 9317 of 2023. The challenge relates to the findings recorded by the learned Single Judge to the effect that the settlement deed does not convey any right to the appellant herein and that the title continues to vest with the respondent/writ petitioner; and since the settlement deed does not convey either title or any right to the appellant, it is immaterial whether the document is cancelled or not.

2. The first respondent, who is an octogenarian, executed a registered settlement deed dated 06.10.2015 in favour of the appellant herein. The first respondent/writ petitioner contended that, after execution of the settlement deed, the appellant refused to take care of her, forced her out of the house property, and consequently, she filed a complaint before the third respondent



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under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The complaint came to be rejected, whereupon the petitioner preferred an appeal before the second respondent. The said appeal was also dismissed, which necessitated the respondent/writ petitioner to approach this Court by filing the aforementioned writ petition. The learned Single Judge disposed of the writ petition by making the findings noted above, which are impugned herein. Taking exception to these findings, the present writ appeal has been filed.

3. Mr. V. Chandrasekaran, learned counsel for the appellant, submitted that the learned Single Judge, while exercising writ jurisdiction, exceeded the scope of such jurisdiction by interpreting the settlement deed and recording findings on the appellant's rights. According to him, these findings are beyond the scope of writ jurisdiction and are therefore unsustainable. He further contended that the settlement deed unequivocally conveyed the right and title over the subject property to the appellant, while the respondent/writ petitioner retained only a right of residence and enjoyment during her lifetime. Hence, the impugned observations/findings of the learned Single Judge, being contrary to the settlement deed, are liable to be set aside.



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4. In response, Mrs. N. Kavitha Rameshwar, learned counsel for the respondent/writ petitioner, submitted that the settlement deed does not convey any right in favour of the appellant and that title to the property would pass to the appellant only upon the death of the settlor. The learned Single Judge, after considering the terms of the settlement deed, correctly recorded the impugned findings and rightly held that the question of cancellation of the settlement deed did not arise.

5. The arguments advanced by the learned counsel for both parties and the documents placed on record have been duly considered.

6. The settlement deed in vernacular language filed along with the writ petition, as seen from the typed set of papers and translated orally, makes it clear that title would pass in favour of the appellant only upon the death of the settlor, namely the respondent/writ petitioner. Therefore, the appellant's contention that the settlor had merely reserved a life interest and that title had already vested in the appellant cannot be accepted.



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7. Learned counsel for the petitioner referred to the decision of the Hon'ble Apex Court in N.P. Saseendran vs. N.P. Ponnamma & Others (Civil Appeal No. 4312 of 2025, dated 24.03.2025), wherein it was held that delivery of possession is not sine qua non to validate a gift or settlement and that it is sufficient if the document is proved to have been acted upon during the lifetime of the executant. We have no quarrel with the said principle. However, the said legal principle is inapplicable to the facts of the present case, since the settlement deed in question does not convey title to the appellant and expressly provides that title and possession of the property would pass only upon the demise of the settlor.

8. The appellant had also instituted O.S. No. 291 of 2019 on the file of the District Munsif, Alandur, seeking a mandatory injunction directing the respondent/writ petitioner to surrender the original settlement deed, restraining her and other defendants from misusing the document and from cancelling the same.

9. Learned counsel for the respondent/writ petitioner placed on record the judgment dated 30.10.2025, by which the suit filed by the appellant was dismissed. In view of such dismissal, and considering that the learned Single



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Judge merely interpreted the settlement deed while recording the impugned findings, the order of the learned Single Judge cannot be faulted. The learned Single Judge has not adjudicated upon the substantive rights of the parties but has merely interpreted the clauses of the settlement deed, which unequivocally state that title would pass to the appellant only upon the demise of the settlor. Such an exercise cannot be said to be beyond the scope of writ jurisdiction, particularly in proceedings arising under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, which specifically provides for cancellation of documents as contemplated therein.

10. In light of the foregoing, we find no illegality or infirmity in the impugned order passed by the learned Single Judge. Accordingly, the writ appeal stands dismissed. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

(R.S.K.,J)

(H.C., J)

17.11.2025

Index : Yes / No

Internet : Yes/No

Neutral Citation : Yes / No

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