



W.A.No.2334 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 25.07.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.A.No.2334 of 2025 and
C.M.P.No.17733 of 2025

1. Jeffery Ronald Antony
 2. Michael Jude Antony
- ... Appellants/Petitioners

-VS-

1. The Maintenance Tribunal,
Headed by Revenue Divisional Officer,
Tambaram, Chennai-600 045.
 2. The District Magistrate and District Collector,
Chengalpattu.
 3. Rudolph Jeo Antony
 4. Mrs.Madonna Silvia Antony
 5. Tmt.Lucy Hilda Antony
- ... Respondents/Respondents
- (Cause Title accepted vide order dated 10.07.2025)***

Prayer: Writ Appeal is filed under Clause 15 of the Letters Patent, seeking to allow the Writ Appeal and to set aside the order dated 26.04.2024 passed in W.P.No.23528 of 2021.

For Appellants : Mr.M.Vijaya Kumar
For R1 & R2 : Mr.M.Venkateswaran
Spl. Govt. Pleader



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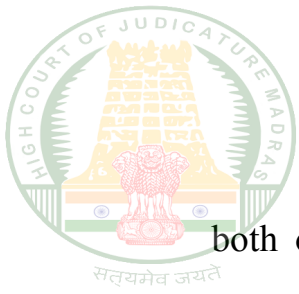
ORDER

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(By J.Nisha Banu,J.)

A challenge in the Writ Appeal is to the order dated 26.04.2024 passed in W.P.No.23528 of 2021, by which, the Writ Petition was dismissed as devoid of merits.

2. It is the case of the appellants that a portion of the property in question was settled in favour of the petitioners and 3rd respondent along with other son and daughter born through the petitioners' father's first wife by the paternal grandmother of the petitioners and at the time of execution of settlement deed, the petitioners, 3rd respondent and the petitioner;s younger brother were minors. The grandmother of the petitioners shared the right of life interest of the property along with the petitioners' father. Subsequently, the father of the petitioners expired. The grandmother filed a complaint against the petitioners under Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 (the Act, 2007) for cancellation of the settlement deed dated 05.01.2009 and after due enquiry, the 2nd respondent cancelled the settlement deed dated 05.01.2009, which was confirmed by the 1st respondent in appeal on 26.08.2021. Aggrieved by



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both orders, the petitioners filed a Writ Petition, and the learned Single Judge dismissed the Writ Petition with a direction to the petitioners to approach the Civil Court to claim their shares. Challenging the said order of the learned Single Judge, the petitioners have filed the present Writ Appeal.

3. Learned counsel for the appellants submitted that the complaint filed by the grandmother was not at all maintainable and Section 23 (1) of the Act, 2007 cannot be invoked in the absence of twin conditions adumbrated under the Act, 2007. The settlement deed was cancelled on account of wrong guidance on the part of the respondents 3 to 5. Learned Single Judge failed to take note of the age and mental health condition of the complainant and the petitioners were minors at the time of execution of settlement deed on 05.01.2009. The direction issued by the Writ Court to approach the Civil Court has no basis, as there is a bar under Section 27 of the Act, 2007 to invoke the Civil jurisdiction against any orders passed under the Act, 2007.

4. Heard the learned counsel for the petitioners and the learned



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Special Government Pleader appearing for the respondents 1 & 2 and

perused the documents available on record.

5. The grandmother of the petitioners was the owner of the property, out of which, almost one third of the property was settled in favour of the petitioners' aunt and the remaining extent of the property was settled in favour of the petitioners and others. Since the petitioners were minors on the date of execution of settlement deed dated 05.01.2009, life interest was vested with the grandmother and the petitioners' father. The settlement deed was thereafter cancelled on the ground of non-maintenance of their grandmother, as she was driven away from their house.

6. It was stated by the petitioners that their grandmother, who was the Settlor of the property, died during the pendency of the Writ Petition and their father also predeceased the grandmother. As such the petitioners, being legalheirs, have become eligible to claim their shares as per law. Moreover, the petitioners have now attained majority and there was an order of this Court to that effect. As such, claiming allotment of respective shares under Writ Jurisdiction is not permissible and the said



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issue has to be decided only by the Civil Court upon perusing documents, evidence, etc. let in by the parties. Therefore, the order of the learned Single Judge is perfectly valid to that extent and does not warrant any interference by this Court. No direction under Article 226 of the Constitution of India in a case of purely civil in nature, can be given. Hence, we are of the view that the parties are at liberty to approach the appropriate Civil Forum to redress their grievances.

7. With the above observation, the Writ Appeal is disposed of, directing the petitioners to agitate their rights before the Civil Court, if so desired, to sort out the issue in respect of their shares and in case, any case is filed before the Civil Court, the same shall be decided on its own merits and in accordance with law without being influenced by any of the observations made herein-above. No costs. Consequently, connected Miscellaneous Petition is closed.

(J.N.B.J.) (M.J.R,J.)
25.07.2025

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Internet: Yes / No
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J.NISHA BANU, J.



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AND
M.JOTHIRAMAN, J.
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To:

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Maintenance Tribunal,
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2. The District Magistrate and District Collector,
Chengalpattu.

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