



W.P.No.36786 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.36786 of 2024
and W.M.P.No.39701 of 2024

P.N.Lakshmi

... Petitioner

Vs.

1.The District Collector,
Chennai District,
Chennai – 600 001.

2.The Revenue Divisional Officer,
Triplicane, Chennai – 600 005.

3.The Sub-Registrar,
No.268, Bharathi Salai,
Express Estate, Roayapettah,
Triplicane, Chennai – 600 014.

4.M.Sarala

5.Parthasarathy Mohan

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the 1st and 2nd respondents to consider the representation dated 09.07.2024 given by the petitioner against the 5th respondent and pass appropriate orders by cancelling the settlement deed dated 11.11.2008.



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For Petitioner : Mr.T.Thiageswaran
for Waraon & Sai Rams

For Respondents 1 to 3 : Mr.S.J.Mohammed Sathik,
Government Advocate

For Respondents 4 & 5 : Mr.K.S.Viswanathan,
Senior Counsel
for M/s.T.Hemalatha

ORDER

The petitioner has filed this petition to direct the respondents 1 & 2 to consider the representation dated 09.07.2024 given by the petitioner against the fifth respondent and pass appropriate orders by cancelling the settlement deed dated 11.11.2008.

2. The case of the petitioner is that she was the original owner of the property situated at No.10/30, Ayya Pillai Street, Triplicane, Chennai - 600 005, to an extent of 774 sq.ft., together with building thereon consisting of Ground, First and Second Floors. Further, the petitioner has executed a Settlement Deed dated 11.11.2008 in favour of her sister Mrs.M.Sarala/third respondent, registered as Document No.1402 of 2008. While executing the said Settlement Deed, the petitioner had retained life interest over the



property. This being the case, the petitioner came to know that the third respondent has executed another Settlement deed dated 13.11.2008 in favour of the fourth respondent, registered as Document No.1427 of 2008. Therefore, the petitioner cancelled the Settlement Deed dated 11.11.2008 executed in favour of the third respondent by way of a Deed of Cancellation dated 17.06.2011, registered as Document No.605 of 2011.

2.1. Challenging the said cancellation deed, the third respondent has filed O.S.No.6632 of 2011 for declaring the cancellation deed dated 17.06.2011 as null and void and for a permanent injunction in respect of the aforesaid property. Subsequently, The XVII Assistant City Civil Judge, Chennai passed a Judgment and Decree dated 19.08.2013 made in O.S.No.6632 of 2011, partly allowed the suit by declaring the Deed of Cancellation of Settlement Deed dated 17.06.2011 as null and void, however, declined to grant the permanent injunction as prayed for by the third respondent in view of the fact that in the Settlement Deed dated 11.11.2008, the petitioner had retained the life interest over the said property.



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2.2. The petitioner made a representation dated 09.07.2024 to the second respondent under the provisions of The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, to initiate an inquiry and cancel the Settlement Deeds dated 11.11.2008. Since the same was not considered so far, the petitioner has come up with the present writ petition.

3. Though very many grounds have been raised in this writ petition, learned counsel for the petitioner submitted that, it would suffice if this Court issues direction to the second respondent to consider the petitioner's representation dated 09.07.2024 and pass appropriate orders on merits and in accordance with law, within a particular time frame stipulated by this Court.

4. Learned Government Advocate appearing for the respondents 1 & 2 submitted that the second respondent has fixed the enquiry on 07.02.2025 at 03.00 P.M., and the representation of the petitioner dated 09.07.2024 will be considered by the second respondent on merits and in accordance with law and appropriate orders will be passed.



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5. Heard the learned counsel on either side and perused the materials placed on record.

6. In view of the submission made by the learned counsel on either side, this Court directs the second respondent to consider the petitioner's representation dated 09.07.2024, after conducting a detailed enquiry and pass appropriate orders on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

7. This writ petition is disposed of with the aforesaid observation and directions. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

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J.SATHYA NARAYANA PRASAD,J.

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