



W.P(MD)No.404 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2025

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THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.404 of 2024

and

W.M.P(MD)Nos.437, 438 & 439 of 2024

Mathialagan

..Petitioner

Vs

1.The District Collector,
Madurai District.

2.The Revenue Divisional Officer,
Usilampatti.

3.The Sub Registrar,
Sub Registrar Office, Elumalai,
Madurai.

4.Ayyar

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records relating to impugned order passed by the first respondent M.M.No.C6/1477706/2023 dated 03.12.2023 confirming the impugned order passed by the second respondent in P.M.No.922/2023/A4 dated 15.09.2023 and quash the same.



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For Petitioner : Mr.K.K.Udayakumar

For Respondents : Mrs.D.Farjana Ghoushia
Spl. Govt. Pleader for R1 to R3

No appearance for R4

ORDER

This writ petition has been filed seeking the issuance of a Writ of Certiorari to call for the records relating to the impugned order passed by the first respondent in M.M.No.C6/1477706/2023 dated 03.12.2023, confirming the order passed by the second respondent in P.M.No. 922/2023/A4 dated 15.09.2023, and to quash the same.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for respondents 1 to 3. The records have been perused. Though notice has been duly served on the fourth respondent and his name is also printed in the cause list, there is no representation on his behalf.

3. According to the petitioner, the fourth respondent is his father. The fourth respondent and the petitioner's sister executed a registered settlement deed in favour of the petitioner. Subsequently, the fourth respondent and his wife, who is the petitioner's mother, filed a maintenance



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case under Section 125 Cr.P.C. in M.C.No.14 of 2022 on the file of the Judicial Magistrate No.II, Usilampatti. Thereafter, the fourth respondent preferred a complaint before the second respondent under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The second respondent, by order dated 15.09.2023, cancelled the said settlement deed and permitted the fourth respondent to partition the property among himself and his legal heirs. The petitioner preferred an appeal, however, the same was rejected through the impugned order dated 03.12.2023.

4. The present writ petition challenges the order passed by the second respondent cancelling the settlement deed executed by the petitioner's father and sister in his favour. The second respondent has invoked Section 23 of the Senior Citizens Act while cancelling the deed.

5. The learned counsel for the petitioner informs this Court that the subsequent maintenance application in M.C.No.14 of 2022 has been settled out of court and that the parents/senior citizens have rejoined the said application.

6. It appears that the impugned order is wholly erroneous and unsustainable for two reasons:

(i) The settlement deed does not contain any condition as required under Section 23 of the Act; and



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(ii) The settlement deed is a joint deed executed by the father/senior citizen and the petitioner's sister, who does not fall within the scope of the Act. Therefore, the cancellation of the entire settlement deed is per se erroneous.

7. Accordingly, this writ petition is allowed, and the impugned order passed by the first respondent in M.M. No.C6/1477706/2023 dated 03.12.2023, confirming the order of the second respondent in P.M. No. 922/2023/A4 dated 15.09.2023, is set aside. No costs. Consequently, the connected miscellaneous petitions are closed.

27.11.2025

NCC : Yes/No

Index : Yes/No

Internet:Yes

skn

To

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P.T.ASHA, J.

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