



W.P.(MD)No.828 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2025

CORAM:

THE HON'BLE MS.JUSTICE P.T.ASHA

W.P.(MD).No.828 of 2023

and

W.M.P(MD)Nos.803 and 804 of 2023 and 14755 of 2024

R.Venkidusamy

... Petitioner

Vs

1. The District Collector,
Karur District,
Karur.
2. The Revenue Divisional Officer,
Kulithalai,
Karur District.
3. The Sub Registrar,
Tharagampatti,
Karur District.
4. Raman @ Ramasamy Naicker. V

... 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 records relating to the proceedings of the 2nd respondent made in Pa.Mu.A4/3800/2022 dated 14.07.2022 and the consequential proceedings of the 1st respondent made in Mu.Mu. 16149/2022 (E4) dated 21.10.2022.



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For Petitioner : Mr.B.Ponnu Pandi
For R1 to R3 : Mrs.D.Farjana Ghoushia
Special Government Pleader
For R4 : Mr.M.Iniyan

ORDER

The above writ petition has been filed for the following relief:-

“Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for records relating to the proceedings of the 2nd respondent made in Pa.Mu.A4/3800/2022 dated 14.07.2022 and the consequential proceedings of the 1st respondent made in Mu.Mu. 16149/2022 (E4) dated 21.10.2022.”

2. It is the case of the petitioner that his father is the owner of the land measuring an extent of 10.48 $\frac{3}{4}$ acres in S.Nos.1169/2B and 1171 situated in Sembianatham Village, Kadavur Taluk, Karur District. Under a registered Settlement Deed dated 18.02.2021, he had settled the property on the petitioner out of love and affection. Pursuant to this deed, the petitioner is in possession and enjoyment of the property. The petitioner exercising his right as absolute owner has also mortgaged the property with Axis Bank on 10.01.2022. While so, on the instigation of the



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petitioner's sister's daughter his father, the 4th respondent has invoked the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, hereinafter referred to as the Senior Citizen Act to cancel the Settlement Deed before the 2nd respondent and by order dated 14.07.2022, the 2nd respondent had cancelled the settlement deed which was unsuccessfully challenged before the 1st respondent who had dismissed the same through the impugned order dated 21.10.2022. Challenging the same, the petitioner is before this Court.

3. Heard the rival submissions and perused the records.

4. The 4th respondent has invoked Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, to file the complaint. Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 would read as follows:-

“Where any senior citizen who, after the commencement of this Act, has transferred by way of gift or otherwise, his property, subject to the condition that the transferee shall provide the basic amenities and basic physical needs to the transferor and such transferee refuses or fails to provide such amenities and physical needs, the said transfer of property shall be deemed to have been made by fraud or coercion or under undue influence and shall at the option of the transferor be declared void by the Tribunal.”



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5. Therefore, it is clear that the cancellation of a deed can be effected only if the condition of taking care of the senior citizens basic physical needs and basic needs is set out in the document and there is a violation of the same.

6. The settlement deed in the instant case clearly does not contain any conditions as provided under Section 23 (1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Therefore, its cancellation is erroneous and cannot be sustained. Therefore, the impugned order is set aside.

7. However, taking into consideration the age of petitioner's father, the 4th respondent herein, as a son of the petitioner is bound to maintain the father. Therefore, the petitioner is directed to pay a maintenance of Rs.7500/- per month along with arrears to the 4th respondent from the date of the objection filed by the 4th respondent. The maintenance shall commence from December 2025.



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8. With the above directions, the writ petition stands disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

24.11.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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P.T.ASHA, J.

rgm

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