



W.P.(MD)No.3989 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.3989 of 2025

and

W.M.P.(MD)Nos.2876 and 2877 of 2025

Pandeeswari

... Petitioner

-VS-

1. The District Collector,
Dindigul District,
Dindigul.

2. The Revenue Divisional Officer,
Dindigul.

3. The Sub Registrar,
Sub Registrar Office,
Checkanoorani,
Madurai District.

4. Rajukkalai

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records relating to the impugned order of the 2nd respondent herein in Mu.Mu No.5023/2023/A1 dated 17.08.2024 and quash the same.

For Petitioner

: Mr.V.Sriram



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For Respondents

: Mr.K.S.Selvaganesan
Addl. Government Pleader for R1 & R2
Mr.R.Suresh Kumar
Addl. Government Pleader for R3
Mr.A.Kalanjiyam for R4

ORDER

The petitioner has filed the present writ petition before this Court, challenging the impugned order of the second respondent in Mu.Mu.No. 5023/2023/A1 dated 17.08.2024, which cancels the gift deed executed in her favour by her father, who is the fourth respondent herein.

2. The case of the petitioner is that, she is the daughter of the fourth respondent. She was given 18 sovereign gold jewels and household appliances as *seethanam* during her marriage in 2003. She and her husband have been maintaining her parents since then. On 11.02.2008, the fourth respondent executed a gift deed in Document No.278/2008 transferring 1116 sq. ft. of property in Kokkulam Village to the petitioner, which she has enjoyed for the past 16 years. It is the further case of the petitioner that, at the instigation of her brother, her father filed a complaint to cancel the gift deed under the Maintenance



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and Welfare of Parents and Senior Citizens Act, 2007. The grievance of the petitioner is that despite submitting her objections, the second respondent issued an impugned order dated 17.08.2024 cancelling the gift deed. Aggrieved by the same, the present writ petition has been filed by the petitioner.

3. When the matter came up for hearing on 19.03.2025, this Court directed both the petitioner and the fourth respondent to appear in person. Pursuant to that, they were present before this Court today.

4. Today, when the matter was taken up for hearing, the learned counsel for the petitioner submits that the impugned order is not sustainable, as the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, came into force only on 29.09.2008, after the execution of the gift deed. Apart from that, there is no specific conditions in the gift deed to justify its cancellation. He argues that the decision is unjust and deprives the rightful ownership of the petitioner. Therefore, the learned counsel for the petitioner submits that the impugned order is liable to be set aside.



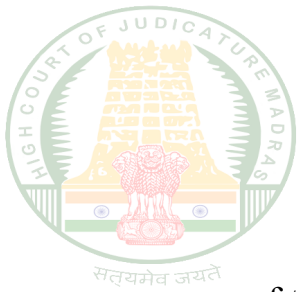
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5. This Court, after engaging in a constructive discussion with both the petitioner and the fourth respondent, they have agreed to maintain a peaceful relationship and resolve the matter amicably. The fourth respondent, acknowledging the validity of the gift deed, has agreed to uphold it as it stands and is not seeking for cancellation. Both parties have expressed their commitment to preserving harmony and moving forward without further dispute regarding the gift deed or the order passed by the second respondent.

6. The learned Additional Government Pleader appearing for the respondents also fairly submitted that the matter may be remanded to the respondents for reconsideration and the respondents shall pass a fresh order within a specified time frame.

7. Upon considering the submissions made by both parties, this Court finds it appropriate to set aside the impugned order. Accordingly, the impugned order dated 17.08.2024 is hereby set aside and the matter is remitted back to the second respondent. The second respondent is directed to consider the



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case of the petitioner and pass fresh orders on merits and in accordance with law, after affording an opportunity of personal hearing to the both the parties, within a period of three months from the date of receipt of a copy of this order.

8. In the result, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes / No
Index : Yes / No
PKN

24.03.2025

To:-

1. The District Collector,
Dindigul District,
Dindigul.

2. The Revenue Divisional Officer,
Dindigul.

3. The Sub Registrar,
Sub Registrar Office,
Checkanoorani,
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VIVEK KUMAR SINGH, J.

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