



W.P.(MD)No.5404 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5404 of 2025

C.Ramasamy

... Petitioner

-VS-

- 1.The District Collector,
Office of the District Collectorate,
Alwarpuram, Madurai - 625 020.
- 2.The Revenue Divisional Officer,
Thirumangalam, Madurai - 625 706.
- 3.The Joint Sub Registrar - IV
Madurai (South), Joint -IV,
Madurai - 625 003.

4.R.Eswaran

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to cancel the settlement Deed dated 03.12.2015 vide Registered Document No.11293 of 2015, on the file of Joint Sub Registrar IV, Madurai (South) / the third respondent herein executed by the petitioner in favour of the fourth respondent, as null and void.



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For Petitioner : Mr.S.Jeyakumar
For R1 and R2 : Mr.C.Venkateshkumar
Special Government Pleader
For R3 : Mr.N.Ramesh Arumugam
Government Advocate
ORDER

This Writ Petition has been filed seeking a direction to the first respondent to cancel the settlement Deed dated 03.12.2015 vide Registered Document No. 11293 of 2015, on the file of Joint Sub Registrar IV, Madurai (South) / the third respondent herein executed by the petitioner in favour of the fourth respondent, as null and void.

2. The learned counsel for the petitioner submits that the petitioner, being a senior citizen, executed a gift settlement deed dated 03.12.2015 in favour of his son / the fourth respondent herein. After the execution of the settlement deed, the fourth respondent started to abuse the petitioner and physically assault both the petitioner and his wife, which leads to filing of a police complaint. Therefore, the petitioner filed an application before the second respondent under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, seeking to cancel the settlement deed. The second respondent, by proceedings dated



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30.11.2022, directed the fourth respondent not to cause any disturbance and to allow his parents to live peacefully in the same house for the remainder of their lives. The second respondent also observed that since the fourth respondent had paid the loan amount up to the hearing of the petition, it was unnecessary to cancel the registration of the gift settlement deed. Further, the second respondent directed that neither the house be sold nor a rental agreement be entered into and that the petitioner's family members should negotiate a settlement regarding the property. Aggrieved by the said decision, the petitioner filed an appeal before the first respondent, who, by proceedings dated 28.12.2023, confirmed the order passed by the second respondent. Hence, the present writ petition has been filed.

3. The learned Special Government Pleader submits that the petitioner, being a senior citizen, executed a gift settlement deed dated 03.12.2015 in favour of his son / the fourth respondent herein. Seeking to cancel the said gift settlement deed, the petitioner approached the second respondent under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. However, the second respondent rejected the petitioner's claim and ordered maintenance. Subsequently, the petitioner approached the first respondent / District Collector, who, by



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proceedings dated 28.12.2023, confirmed the order passed by the second respondent and hence, the learned Special Government Pleader submits that the petitioner should have challenged the order passed by the first respondent District Collector directly, rather than filing the present writ petition seeking to consider the representation.

4. Heard both sides.

5. In view of the above submissions and after careful consideration of the facts and circumstances of the case, this Court is of the considered opinion that the appropriate remedy for the petitioner is to challenge the order of the first respondent / District Collector, dated 28.12.2023. Instead of challenging the said order, the petitioner has filed the present writ petition seeking a direction to the first respondent to cancel the settlement deed dated 03.12.2015. Therefore, the present writ petition is not maintainable and is liable to be dismissed. Accordingly, the writ petition is dismissed. However, it is open to the petitioner to challenge the order passed by the first respondent / District Collector, if so advised. There shall be no order as to costs.



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NCC : Yes / No
Index : Yes / No

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VIVEK KUMAR SINGH, J.

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