



W.P.(MD)No.8164 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.8164 of 2025

Pragathambal

... Petitioner

-VS-

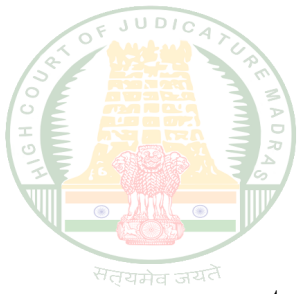
1. The District Collector,
Trichy District,
Trichy.

2. The Revenue Divisional Officer,
Trichy Division, Trichy.

3. Sakthivel

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent in Moo.Mu.A1/1361/2022 dated 17.08.2023 and the consequential impugned proceedings of the 1st respondent in Na.Ka.G1/1412276/2024 dated 20.09.2024, quash the same as illegal, arbitrary and violative of the provisions of law and consequently directing the respondents 1 and 2 to cancel the Settlement Deed dated 15.04.2004 registered as Document No. 1441/2004 at Thiruverumbur Sub-Registrar Office, executed by the petitioner in favour of the 3rd respondent and to restore the possession of the house



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property to the petitioner in accordance with Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

For Petitioner : Ms.L.Thenmozhi
For Respondents : Mr.J.K.Jayaselan
Government Advocate for R1 & R2

ORDER

The petitioner has filed the present writ petition before this Court, challenging the impugned order of the second respondent in Moo.Mu.A1/1361/2022 dated 17.08.2023 and the consequential proceedings of the first respondent in Na.Ka.G1/1412276/2024 dated 20.09.2024. Consequently, the petitioner seeks a direction to the respondents 1 and 2 to cancel the settlement deed dated 15.04.2004, registered as Document No.1441/2004 at the Thiruverumbur Sub-Registrar Office, executed by the petitioner in favor of the third respondent, and to restore the possession of the petitioner's house property in accordance with Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.



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2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the third respondent is dispensed with.

3. The case of the petitioner is that she is a widowed senior citizen who purchased the property using her own income. The petitioner claims that her younger son, who is the third respondent herein, had registered the settlement deed (Document No. 1441/2004) on the promise that he would take care of her. However, despite this promise, her son has not cared for her and has evicted the petitioner from the house. Following this, the petitioner submitted a petition to cancel the settlement deed and recover the property from her son. However, without considering the petitioner's plight, the second respondent conducted an enquiry from 17.02.2020 to 17.08.2023 and passed the impugned order dated 17.08.2023. Subsequently, the appeal filed against the said order was dismissed by the first respondent on 20.09.2024. Aggrieved by the same, the petitioner has filed the present writ petition.



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4. The learned Government Advocate appearing for the respondents also fairly submitted that the matter may be remanded to the respondents 1 and 2 for reconsideration and the respondents 1 and 2 shall pass a fresh order within a specified time frame.

5. Heard the learned counsel for the parties and perused the materials available on record.

6. Upon considering the submissions made by both parties, this Court finds it appropriate to set aside the impugned orders. Accordingly, the impugned orders dated 17.08.2023 and 20.09.2024, are hereby set aside and the matter is remitted back to the second respondent. The second respondent is directed to consider the 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 four months from the date of receipt of a copy of this order.



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7. In the result, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
PKN

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Trichy District,
Trichy.

2. The Revenue Divisional Officer,
Trichy Division, Trichy.



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VIVEK KUMAR SINGH, J.

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