



W.P.(MD) No.7636 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD) No.7636 of 2024

M.Boobathi ... Petitioner

Vs

- 1 The Parents and Senior Citizens Welfare and Maintenance Appellate Tribunal / District Collector,
Virudhunagar District,
Virudhunagar.
- 2 The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.
- 3 B.Gopinath
- 4 B.Parthiban
- 5 B.Sakthi ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the impugned order passed by the 1st respondent in his proceedings Na.Ka.C4/40840/2022, dated 06.04.2023, and by the 2nd respondent in his



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proceedings Moo.Mo.A5/1294/2022, dated 06.09.2022, and to quash the same as illegal and consequentially to declare the release deeds, dated 04.08.2021, in Document Nos.4581/2021 and 4582/2021, as void.

For Petitioner : Mrs.P.Jessi Jeeva Priya

For Respondents 1 & 2 : Mr.J.K.Jeyaseelan,
Govt. Advocate.

ORDER

This Writ Petition is filed, praying for issuance of a writ of certiorarified mandamus, to call for the impugned order passed by the 1st respondent in his proceedings Na.Ka.C4/40840/2022, dated 06.04.2023, and by the 2nd respondent in his proceedings Moo.Mo.A5/1294/2022, dated 06.09.2022, and to quash the same as illegal and consequentially to declare the release deeds, dated 04.08.2021, in Document Nos.4581/2021 and 4582/2021, as void.

2. The case of the petitioner is that as per the family arrangements, three release deeds were executed and registered on 04.08.2021 with regard to the subject properties, of which two release deeds, dated 04.08.2021, one in favour of the respondents 3 and 5 (Document No. 4582/2021) and another in favour of the fourth respondent (Document No. 4581/2021) were executed and registered. However, the released deed in



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favour of the petitioner was though executed by respondents 3 to 5, was not registered. The further case of the petitioner is that respondents 3 to 5 got the release deeds executed and registered in their favour and cheated the petitioner with regard to the third released deed in favour of the petitioner, by not registering the same. It is also the case of the petitioner that he executed a settlement deed in favour of his wife Chitra by a registered settlement deed, dated 08.12.2021, for the house property. However, the respondents 3 to 5 filed a suit in O.S.No.1 of 2022 on the file of District Munsif Court, Aruppukottai, to set aside the settlement deed, dated 08.12.2021, executed in favour of the petitioner's wife, and the said suit is pending. The petitioner filed an application, dated 09.02.2022, before the second respondent under Maintenance and Welfare of Parents and Senior Citizens Act, 2007, for cancellation of the release deeds, dated 04.08.2021, in Document Nos. 4581/2021 and 4582/2021 and for payment of Rs.7,000/- for maintenance and residence. After enquiry, the second respondent passed an order, directing the respondents 3 to 5 to comply with the compromise dated 30.07.2021 and also to pay a sum of Rs.7,000/- per month as maintenance. Thereafter, the petitioner filed a petition, dated 17.10.2022, before the first respondent and the first respondent, after a detailed enquiry, passed the impugned order confirming the order passed by the second respondent,



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without cancelling the registered released deeds obtained by the respondents 3 to 5 by fraud. Therefore, the petitioner has filed this Writ Petition, for the aforesaid relief.

3. Learned counsel for the petitioner would submit that the impugned orders passed by the respondents 1 and 2, dated 06.04.2023 and 06.09.2022 respectively, are illegal, arbitrary and against the principles of natural justice.

4. I have heard the learned counsel for the parties and also gone through the material available on record.

5. On going through the records, what comes to be known is that the subject matter is under adjudication before the Civil Court. Therefore, there is no necessity for the petitioner to approach this Court under Article 226 of the Constitution of India at this point of time, as the matter is sub judice before the Civil Court.

6. Writ Petition is accordingly dismissed. No costs. Consequently, the connected W.M.P.(MD) Nos.6987 and 6989 of 2024 are closed.

25.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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VIVEK KUMAR SINGH, J.

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