



W.P.(MD)No.8428 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD)No.8428 of 2024

and

W.M.P.(MD)No.7640 of 2024

P.Sundarrajan

... Petitioner

-VS-

1.The Presiding Officer of Senior Citizens
Maintenance Appellate Tribunal /
The District Collector,
Madurai.

2.The Presiding Officer of Senior Citizens,
Maintenance Tribunal / the Revenue Divisional Officer,
Madurai.

3.The Joint Registrar No.4
Madurai South, Madurai District.

4.U.L.Palanivelu Pillai

5.P.Thanasekar

... 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 second respondent in Muu.Mu.No.5292/2022/J



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dated 28.10.2022 and the impugned order passed by the first respondent in Muu.Mu.No. C6/402493/2022 dated 20.01.2024 and to set aside and quash the same as illegal and to remand the matter back to the second respondent Tribunal for a fresh decision in accordance with law after hearing the parties and giving opportunity to adduce oral as well as documentary evidences and directing the third respondent to remove the entry cancelling the Document No. 27/2012 dated 02.01.2012, from the encumbrance register and all other related records on the file of the third respondent Office.

For Petitioner : Mr.V.Palani
For R1 to R3 : Mr.D.Ghandiraj
Special Government Pleader
For R4 : Mr.S.A.Ajmalkhan

ORDER

The petitioner is aggrieved by the impugned order passed by the first respondent vide order dated 20.01.2024.

2. By the said order, the petitioner's appeal before the first respondent under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 [hereinafter referred to as "the Act"] was dismissed. Earlier, the fourth respondent, who is none other than the father of the petitioner, had approached



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the second respondent under Section 5 of the Act, and wanted cancellation of a gift deed dated 02.01.2012, registered as Document No.27 of 2012, executed in favour of the petitioner. By an order dated 28.10.2022, the second respondent cancelled the aforesaid Gift Deed dated 02.01.2012.

3. Insofar as the challenge to the order dated 20.01.2024 bearing reference Muu.Mu.No.C6/402493/2022 of the first respondent is concerned, the issue now stands squarely covered against the petitioner in terms of a catena of decisions of this Court. It has been consistently held that, barring a senior citizen, a Settlee suffering an adverse order under Section 23 of the Act, cannot invoke the jurisdiction of the first respondent.

4. A reference in this regard is made to the decision of the Division Bench of this Court in **K. Raju vs. The Union of India and others, 2021 (2) CTC 129 : 2021 (1) LW 820**. Therefore, on this ground alone, the challenge to the impugned order of the first respondent dated 20.01.2024, dismissing the appeal against the order dated 28.10.2022 passed by the second respondent, is liable to be rejected.

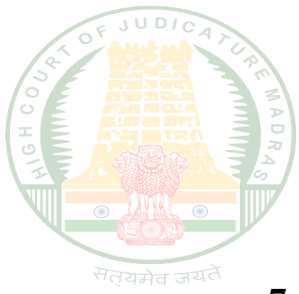


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5. It is further noticed that the petitioner has filed a suit for declaration in O.S.No.1078 of 2023 before the First Additional Sub Court, Madurai, for a declaration that he is entitled to an unfettered right pursuant to the deed dated 02.01.2012. However, though the petitioner has referred to the said instrument as a gift deed in the affidavit filed in support of this writ petition, the document is, in fact, titled as a settlement deed.

6. This Court has taken a categorical view in **T.Pandiselvi vs. The Revenue Divisional Officer-cum-Executive Magistrate, Usilampatti, Madurai and others, 2025:MHC:2038**, wherein it has been held that in the case of a settlement deed, there is an implicit obligation to maintain the Settlor, as evident from the definition of "settlement" under Section 2(24) of the Indian Stamp Act, 1899. Therefore, the challenge to the order of the second respondent dated 28.10.2022 is not made out. Even otherwise, in the case of a gift simpliciter as defined under Section 122 of the Transfer of Property Act, 1882, the requirements of Section 23 of the Act would not be satisfied unless there is an obligation cast in the gift deed. As the deed executed by the fourth respondent on 02.01.2012 is a settlement deed, the challenge to the order of the second respondent dated 28.10.2022 also fails.



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7. In any event, it is for the petitioner to work out his remedy before the First Additional Sub Court, Madurai, in O.S.No.1078 of 2023.

8. With the above liberty, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
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C.SARAVANAN, J.

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