



W.P.(MD)No.8485 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD)No.8485 of 2024

and

W.M.P.(MD)Nos.7675 and 7677 of 2024

S.Karuppiah

... Petitioner

-VS-

1.The District Collector,
Theni District.

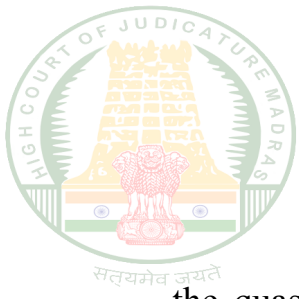
2.The Revenue Divisional Officer (RDO),
Periyakulam Sub Division,
Theni District.

3.The Sub Registrar,
Theni, Theni District.

4.S.Solai

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the proceedings of the first respondent in Se.Mu.Na.Ka.No.1551/A1/2023 dated 18.08.2023 against the petitioner and quash the same as illegal, arbitrary, vindictive and contrary to the Principles of Natural Justice and consequently, to direct the first respondent send



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the quashed details of the same to the third respondent Office within a period stipulated by this Court.

For Petitioner : Ms.B.Muthumari
For R1 to R3 : Mr.D.Ghandiraj
Special Government Pleader
For R4 : No Appearance

ORDER

The petitioner is aggrieved by the order passed by the first respondent, dated 18.08.2023.

2. The fourth respondent is the father of the petitioner. He has obtained a favourable order from the first respondent in an appeal filed against the order of the second respondent dated 14.12.2022. The fourth respondent's wife, Pottiyammal, executed a settlement deed dated 14.07.2022, registered as Document No. 6929 of 2022, through which she gifted 300 sq.ft. of land out of 810 sq.ft. of land along with a house to the petitioner.



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3. However, the fourth respondent lodged a complaint stating that the petitioner, being the younger son and beneficiary under the said document, has failed to maintain both the fourth respondent and his wife, Pottiyammal (the petitioner's mother). Pursuant to the said complaint, the second respondent, by an order dated 14.12.2022, directed the petitioner to pay a sum of Rs.2,000/- per month as maintenance and to provide shelter to his parents.

4. The fourth respondent, however, refused to accept the said amount when it was sent through registered post. It is the petitioner's case that the fourth respondent accepted the money whenever it was paid in cash.

5. Subsequently, the fourth respondent filed an appeal under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as "the Act") and obtained a favourable order based on the report of the Village Administrative Officer.

6. It is submitted that the settlement deed dated 14.07.2022 (Document No. 6929 of 2022) does not contain any express condition requiring the petitioner to



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maintain the fourth respondent or his wife. It is further submitted that the fourth respondent has an elder son and two daughters, and that the petitioner is the youngest son. The fourth respondent had also executed a separate settlement deed in favour of his elder son, gifting a house site in S.No.1657/1A1 with an asbestos sheet roof, measuring 810 sq.ft. along with a 2-cent house at Kakkanji Colony.

7. It is further stated that due to financial hardship and hospitalization of the fourth respondent, his wife executed the aforementioned settlement deed in favour of the petitioner. It is, therefore, submitted that the impugned order of the first respondent is liable to be set aside.

8. There is no representation on behalf of the fourth respondent. The respondents 1 to 3 are only formal parties and have not filed any counter.

9. I have considered the arguments advanced by the learned counsel for the petitioner and the learned Government Advocate for the respondents 1 to 3.



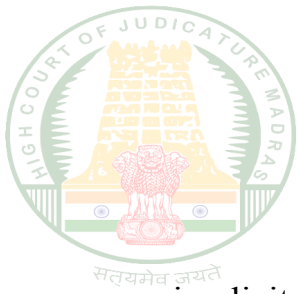
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10. The order passed by the second respondent dated 14.12.2022, directing the petitioner to pay Rs.2,000/- per month as maintenance, does not warrant interference, as it is in consonance with the object and purpose of the provisions of the Act. Hence, the challenge to the second respondent's order fails.

11. As far the challenge to the order of the first respondent dated 18.08.2023, I am of the view that it too also does not warrant an interference. It is the bounden duty of children to maintain their parents. Failure to do so attracts the provisions of Section 23 of the Act.

12. Even though the settlement deed in question does not contain an express clause mandating maintenance of the Settlor, such an obligation is implied, particularly, in the case of a settlement deed, as opposed to a gift deed. This view has been affirmed by this Court in **T.Pandiselvi vs. The Revenue Divisional Officer-cum-Executive Magistrate, Usilampatti, Madurai and others, 2025:MHC:2038**, after considering various decisions of the Hon'ble Supreme Court, as well as conflicting views from different Benches of this Court. It was categorically held therein that an obligation to maintain the Settlor is



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implicit in a settlement deed, unlike in a gift deed, where such an inference can only be drawn if it is expressly stated.

13. It is also noted that the fourth respondent has executed a settlement deed in favour of his elder son. Therefore, the obligation to maintain the fourth respondent and his wife, Pottiyammal, rests on both sons.

14. In order to balance the interests of all parties, I am inclined to modify the order of the first respondent, by directing the petitioner to maintain both the fourth respondent and his mother, Pottiyammal, and to pay a token amount of Rs.2,000/- per month, as ordered earlier by the second respondent.

15. The second respondent is directed to depute an officer to conduct a surprise visit to verify whether the petitioner is in fact maintaining the fourth respondent and his mother, Pottiyammal. If it is found that the petitioner is not fulfilling this obligation, the settlement deed, cancelled by the impugned order of the first respondent, shall stand revived.



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16. This Writ Petition stands disposed of with the above observations. No costs. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes / No
Index : Yes / No
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25.08.2025

To:-

- 1.The District Collector,
Theni District.
- 2.The Revenue Divisional Officer (RDO),
Periyakulam Sub Division,
Theni District.
- 3.The Sub Registrar,
Theni, Theni District.



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C.SARAVANAN, J.

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