



W.A(MD) No.2125 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 01.08.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.A(MD) No.2125 of 2025
and
C.M.P.(MD)Nos.12209 & 12210 of 2025

Muthulakshmi

... Appellant / 3rd Party

Vs.

1.Duraipandi

... 1st Respondent / Petitioner

2.The District Collector,
Office of the District Collector,
Madurai District.

3.The Revenue Divisional Officer,
Thirumangalam Division,
Madurai District.

4.The Sub Registrar,
Joint 4- Sub Registrar Office,
Madurai South,
Madurai.

.... 2 to 4 Respondents / 1 to 3 Respondents



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to allow the writ appeal and set aside the order of the learned single Judge dated 12.09.2024 in W.P.(MD)No.21727 of 2024.

For Appellants : Mr.T.R.Subramanian

For Respondents : Mr.N.Satheeshkumar
Additional Government Pleader
for R2 to R4

: Mr.M.Sakul Hameed
for R1

JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The basic facts are not in dispute. Shenbagavalli / mother of the appellant herein executed the settlement deed dated 22.08.2007 in favour of the appellant's sister Mrs.Nagalakshmi. Nagalakshmi passed away on 07.03.2018. Thereafter, Shenbagavalli filed a petition under Section 23 of the Senior Citizen Act before the maintenance Tribunal and got the settlement deed cancelled. Shenbagavalli passed away on 22.10.2022.



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Thereafter, Duraipandi / Nagalakshmi's husband filed W.P.(MD)No. 21727 of 2024 challenging the order dated 02.11.2022 passed by the maintenance tribunal cancelling the settlement deed executed by Shenbagavalli. The learned single Judge relying on ***Sudesh Chhikara*** case allowed the writ petition and set aside the order of the maintenance tribunal. Aggrieved by the same, the appellant herein has filed this writ appeal.

3. The learned counsel appearing for the appellant raised the following grounds:-

(I) Duraipandi do not have any locus standi to maintain the writ petition.

(II) Duraipandi ought to have added the appellant as one of the respondents.

The learned single Judge erred in applying the decision of the Hon'ble Supreme Court reported in ***2022 SCC Online SC 1684 (Sudesh Chhikara Vs. Ramti Devi)***.



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4. We carefully considered the aforesaid contention. We are not swayed by the same. Even though we do not endorse the reasons given by the learned single Judge, the order can be allowed to rest on another solid ground. Admittedly, the document in question was executed on 22.08.2007. The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 was enforced in Tamil Nadu only with effect from 29.09.2008. The Hon'ble Division Bench of Kerala High Court in the decision reported in **2021 SCC Online Ker 12268 (Human Rights & Social Welfare Forum rep., through its Chairman Dr.Vijeesh C.Thilak Vs. Union of India** and the Delhi High Court in the decision reported in **(2023) SCC Online Del 2730 (Charanjit Singh Ahluwalia Vs. Union of India)** have held that the Maintenance and Welfare of Parents & Senior Citizens Act, 2007 did not intend to disturb the rights of the donee which has already been created and vested in him and that the vested rights of the donor are not to be given a retrospective operation despite the fact that the object of the Act is to provide for measures for welfare of senior citizens. Thus, we are of the clear view that Maintenance Tribunal will not have jurisdiction to entertain any petition under Section 23 of the Act in respect of the documents executed prior to the date of coming into



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effect of the Act. Therefore, the order dated 02.11.2022 passed by the Maintenance Tribunal could not have cancelled the settlement deed dated 22.08.2007 executed by Shenbagavalli in favour of Nagalakshmi. It was lacking in jurisdiction. The writ appeal is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S., J.) (K.R.S., J.)
01.08.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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