



W.P(MD)Nos.14438 / 2023 & 12665 /2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)Nos.14438 of 2023 & 12665 of 2024

and

W.M.P(MD)Nos.12237 of 2023 & 11271 & 11272 of 2024

W.P(MD)No.14438 of 2023

Valarmathy

..Petitioner

Vs

1. The Appellate Authority/District Collector
Under the Maintenance of Welfare of Parents
and Senior Citizens Act 2007,
Dindigul District, Dindigul.

2. The Presiding Officer of Maintenance Tribunal /
Revenue Divisional Officer
Under the Maintenance of Welfare of Parents and Senior Citizens 2007,
Dindigul, Dindigul District.

3. Nallappa Gounder
4. Vasuki

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the 1st respondent in Na.Ka. No.19202/2022/C1, dated 18.05.2023 confirming the impugned order passed by the 2nd respondent in Na.Ka.No.7985/2021/A1, dated 25.05.2022 under the Maintenance and Welfare of Parents and Senior Citizens Act 2007 and quash the same as illegal.



W.P(MD)Nos.14438 / 2023 & 12665 /2024

For Petitioner : Mr.J.Lawrance
For Respondents : Mrs.J.Jeyapriya
Govt. Advocate (for R1 and R2)

Mr.N.S.Karthikeyan (for R4)
No appearance for R3

W.P(MD)No.12665 of 2024

S.Vasuki

..Petitioner

Vs

1. The Appellate Authority/District Collector
Under the Maintenance of Welfare of Parents
and Senior Citizens Act 2007,
Dindigul District, Dindigul.

2. The Presiding Officer of Maintenance Tribunal /
Revenue Divisional Officer
Under the Maintenance of Welfare of Parents and Senior Citizens 2007,
Dindigul, Dindigul District.

3.N.Karuppathaal
4.Valarmathy
5.N.Karupasamy

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the 1st respondent in Na.Ka.No.19202/2022/C1, dated 18.05.2023 confirming the impugned order passed by the 2nd respondent in Na.Ka.No.7985/2021/A1, dated 25.05.2022 under the Maintenance and Welfare of Parents and Senior Citizens Act 2007 and quash the same as illegal.



WEB COPY



W.P(MD)Nos.14438 / 2023 & 12665 /2024

For Petitioner : Mr.N.S.Karthikeyan
For Respondents : Mrs.J.Jeyapriya
Govt. Advocate (for R1 and R2)

Mr.V.Muthukamatchi (for R3 & R5)
No appearance for R4

COMMON ORDER

Challenging the cancellation of the settlement deeds executed in favour of the petitioners in the above writ petitions under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, the petitioners are before this Court.

2. One Nallappa Gounder is the father of the petitioners and the fifth respondent. The third respondent in W.P(MD)No.12665 of 2024 is their mother. In the year 2015, in the presence of well-wishers of the family, an arrangement was arrived at in respect of the family properties. Pursuant thereto, Nallappa Gounder executed a settlement deed dated 15.07.2015, registered as Doc.No.1694 of 2015 on the file of the Sub-Registrar, Dindigul, in favour of the petitioner in W.P.(MD)No.12665 of 2024, and another settlement deed of the same date in favour of the petitioner in W.P.(MD)No. 14438 of 2023, registered as Doc.No.1695 of 2015. Under the said settlement deeds, the respective properties were settled in favour of the petitioners.



W.P(MD)Nos.14438 / 2023 & 12665 /2024

WEB COPY

3. The petitioners would submit that, on the date of the arrangement, their father, along with their sister had jointly executed another settlement deed in favour of the fifth respondent, which was also registered on 15.07.2015. The petitioners state that subsequently, the revenue records were mutated in their names. While so, in June 2021, at the instance of the fifth respondent, who desired the house property, the petitioners' father filed a false complaint against the petitioners. Thereafter, the petitioners' father and the fifth respondent began to cause disturbances in the petitioners' peaceful enjoyment of the property. The petitioners' father even lodged a false complaint against the petitioner in W.P.(MD)No.12665 of 2024 and her husband, Dhandapani.

4. The petitioner in W.P.(MD)No. 12665 of 2024 filed O.S.No. 227 of 2021 on 02.08.2021 seeking a declaration and injunction. Meanwhile, the petitioner in W.P.(MD) No.14438 of 2023 filed O.S.No. 237 of 2021 before the Additional District Court, Dindigul, seeking recovery of a sum of Rs. 30,00,000/- from her brother, the fifth respondent. Aggrieved by the said proceedings, the fifth respondent developed animosity and began to instigate the third respondent, to cancel the settlement deeds. Consequently, the third respondent filed an application under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as "the Act"), alleging that the petitioners had failed to maintain their



W.P(MD)Nos.14438 / 2023 & 12665 /2024

parents and sought cancellation of the settlement deeds before the second respondent. Upon receipt of notice, the petitioners appeared and filed

their counter.

5. The petitioners would further submit that, when the civil suits were pending, their brother attempted to trespass into the property, which compelled them to file another suit in O.S.No.166 of 2021 before the District Munsif Court, Dindigul, in which an interim injunction was granted in their favour.

6. The petitioners contend that, in the absence of a specific condition in the settlement deeds requiring the transferees to maintain the transferor, the deeds cannot be cancelled under Section 23 of the Act. However, the second respondent, without properly appreciating the facts and law, passed the impugned order cancelling the settlement deeds. Hence, these writ petitions have been filed.

7. It is further submitted by the learned counsel for the petitioners that the petitioners are willing to pay a sum of Rs.5,000/- each towards the maintenance of their parents.

8. Heard the learned counsel appearing on either side and perused the materials available on record.



W.P(MD)Nos.14438 / 2023 & 12665 /2024

WEB COPY

9. The Hon'ble Supreme Court, in ***Sudesh Chhikara v. Ramit Devi [(2022) 8 Supreme 731]***, held that only if the settlement deed contains a condition requiring the transferee to maintain the transferor, can the same be cancelled under Section 23 of the Act. In the present case, there is no such condition incorporated in the settlement deeds. Therefore, the authorities have acted without jurisdiction in cancelling the deeds.

10. Accordingly, the impugned orders are set aside. The encumbrance entries made in the office of the Sub-Registrar shall be rectified. The petitioners are directed to pay a sum of Rs.5,000/- each towards the maintenance of their parents as undertaken by them.

11. In the result, these writ petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

10.09.2025

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



W.P(MD)Nos.14438 / 2023 & 12665 /2024

To

1. The Appellate Authority/District Collector
Under the Maintenance of Welfare of Parents and Senior Citizens Act 2007,
Dindigul District, Dindigul.
2. The Presiding Officer of Maintenance Tribunal / Revenue Divisional
Officer
Under the Maintenance of Welfare of Parents and Senior Citizens 2007,
Dindigul, Dindigul District.



WEB COPY



W.P(MD)Nos.14438 / 2023 & 12665 /2024

P.T.ASHA, J.

skn

Writ Petition(MD)Nos.14438 of 2023 & 12665 of 2024
and
W.M.P(MD)Nos.12237 of 2023 & 11271 & 11272 of 2024

10.09.2025