



WEB COPY



W.P(MD)No.17538 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2025

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THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.17538 of 2022

and

W.M.P(MD)Nos.12768 & 12770 of 2022

Kumarasamy

..Petitioner

Vs

1.The District Collector,
Karur District, Karur.

2.The Revenue Divisional Officer,
Karur District, Karur.

3.Palaniammal

4.Padmavathi

5.Selvaraj

6.Saratha

7.Poovalingam

..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 relating to the impugned order passed by the 2nd respondent dated 31.05.2022 in Na.Ka.Aa1/857/2022 and quash the same.

For Petitioner : Mr.S.Gokulraj

For Respondents : Mrs.S.Jeyapriya
Govt. Advocate for R1 & R2
M/s T.V.Loganayaki for R3 & R7
Mr.J.Sathiaraj for R4 to R6



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ORDER

This Writ Petition has been filed challenging the order passed by the 2nd respondent in proceedings Na.Ka.Aa1/857/2022 dated 31.05.2022, whereby the settlement deed executed by the 3rd respondent in favour of the petitioner was cancelled under Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

2. Heard the learned counsel for the petitioner, the learned Government Advocate appearing for respondents 1 and 2, and the learned counsel appearing for the private respondents. The records were carefully perused.

3. The petitioner submits that the property bearing T.S.No.1691, situated at 3rd Ward, Karur Kaspas, Karur Town, Karur District, originally belonged to his mother, the 3rd respondent herein. According to the petitioner, he has been taking care of his aged parents by providing necessary amenities and medical assistance. On 29.08.2012, the 3rd respondent executed a settlement deed in favour of the petitioner in respect of the said property, which was registered as Document No.5688 of 2012 before the Sub-Registrar, Melakarur. Subsequently, the 3rd respondent, allegedly at the instigation of the respondents 4 to 6, filed a petition under



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Section 23(1) of the Act before the 2nd respondent seeking cancellation of the settlement deed. The 2nd respondent, by order dated 31.05.2022, allowed the said petition and cancelled the settlement deed. Challenging the same, the present writ petition.

4. The learned counsel for the petitioner contended that the impugned order dated 31.05.2022 reflects total non-application of mind. The 2nd respondent merely recorded the statements of the parties and proceeded to cancel the settlement deed without conducting a proper enquiry, without analysing the documents produced, and without recording any finding with regard to the mandatory ingredients of Section 23(1) of the Act, namely, the existence of a condition in the settlement deed to maintain the transferor and failure of the transferee to provide such maintenance.

5. A perusal of the impugned order reveals that the 2nd respondent has not rendered any reasoned finding as to how the requirements under Section 23(1) of the Act are satisfied. The order does not disclose any analysis of the settlement deed or any evidence to conclude that the transfer was conditional or that such condition was violated.

6. Section 23(1) of the Act can be invoked only in cases where the deed contains a specific condition obligating the transferee to provide basic amenities and physical needs to the transferor and there is a breach of such



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condition. This legal position has been authoritatively laid down by the Hon'ble Supreme Court in ***Sudesh Chikara v. Ramti Devi and another, 2022 SCC OnLine SC 1684***, and ***Urmila Dixit v. Sunilsharan Dixit, 2025 SCC OnLine SC 2***. In the present case, the settlement deed in question does not contain any such condition.

7. In view of the above, the Writ Petition is allowed. The impugned order passed by the 2nd respondent dated 31.05.2022 in Na.Ka.Aa1/857/2022 is hereby set aside. No costs. Consequently, connected miscellaneous petitions are closed.

25.11.2025

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

To

- 1.The District Collector,
Karur District, Karur.
- 2.The Revenue Divisional Officer,
Karur District, Karur.



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P.T.ASHA, J.

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