

W.P(MD)No.22991 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD)No.22991 of 2025

D.Sundari Prema

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Sub Collector/ Revenue Divisional Officer,
Thoothukudi,
Thoothukudi District.

3.Eben Sarojini

4.Jeevaraj

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 15.07.2025 as a senior citizen.

For Petitioner : M/s.J.Balameenakshi

For R1 & R2 : Mr.D.Ghandiraj
Special Government Pleader



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ORDER

This writ petition has been filed for a writ of Mandamus to direct the first respondent to consider the petitioner's representation dated 15.07.2025.

2. The petitioner is the daughter of Late.D.Gnanaraj Nadar, who died on 02.05.2012. It is submitted that the petitioner's father had earlier executed a settlement deed in favour of the third respondent, which was registered as Document No.551 of 2002 dated 28.02.2002. It is submitted that subsequently the petitioner's father cancelled the settlement deed by registered Document No.769 of 2003 dated 24.03.2003. However, the third respondent has fabricated the settlement deed.

3. Therefore, a partition suit was filed in O.S.No.34 of 2012 before the I Additional District Court, Thoothukudi by the petitioner's two sisters, namely, R.Saroja and R.Kasthuri. The suit was decreed whereby each of the legal heirs were entitled to 2/5 shares each.

4.It is submitted that subsequently an appeal was filed in A.S(MD)No.184 of 2020. This Court had set aside the judgment and decree of



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the Trial Court, in O.S.No.34 of 2012. It is submitted that by oversight, the partition suit was not pursued pursuant to the remand order and therefore, the petitioner has now come submitted a representation dated 15.07.2025 to the first respondent.

5. The learned counsel for the petitioner submits that the petitioner has made a representation on 15.07.2025 to the first respondent to cancel the fraudulent Thana Settlement Deeds in Document Nos.1653/2003 dated 09.07.2003, 135/2006 dated 31.07.2006, 2173/2006 dated 31.07.2006, 2893/006 dated 05.10.2006, 3327/2006 dated 22.11.2006, 880/2007 dated 08.03.2007, 2415/2007 dated 25.06.2007, 3483/2007 dated 21.09.2007 and 1267/2009 dated 23.04.2009.

6. Having considered the submissions made by the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 and 2, this writ petition is disposed of at the time of admission after dispensing with notice on the respondents 3 and 4, who are none other than sister and sister's son respectively of the petitioner.



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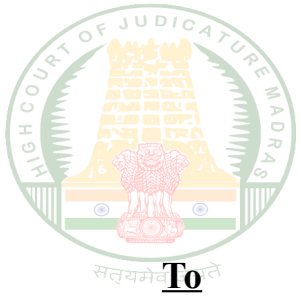
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7. The execution of the settlement deed in favour of the third respondent purportedly by adoption of fraudulent means has to be decided and thereafter, the remaining issues as the petitioner is entitled for protection under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

8. Accordingly, this writ petition stands disposed of. It is open to the petitioner to pursue the remedy in O.S.No.34 of 2012 before the I Additional District Court, Thoothukudi. It is open to the petitioner to restore the suit, if necessary, the petitioner get herself transpose as a plaintiff, if the petitioner's sister does not come forward to restore the suit. No costs.

25.08.2025

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

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