



W.P.(MD) No.24481 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16-09-2025

CORAM

THE HONOURABLE MS. JUSTICE P.T. ASHA

WP(MD) No. 24481 of 2024

and W.M.P(MD).Nos.20827 and 20828 of 2024

S.Vasanthakumar

... Petitioner

Vs

1.The District Collector,
Trichirappalli District,
Cantonment, Trichirappalli.

2.The Revenue Divisional Officer,
Trichirappalli.

3.Subbarayalu

... 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 first respondent dated 01.07.2024 in Na.Ka.G1/1775352/2024 and quash the same.

For Petitioner

: Mr.K.S.Kathiravan



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For Respondents

: Mrs.D.Farjana Ghoushia (for R1 & R2)
Special Government Pleader
Mr.K.Hemakarthiskeyan (for R3)

ORDER

Challenging the impugned order passed by the first respondent dated 01.07.2024 in Na.Ka.G1/1775352/2024, this writ petition has been filed.

2. The brief facts of the case are as follows:

The petitioner is the son of the third respondent, who had executed a settlement deed dated 14.06.2017 vide Doc.No.1873 of 2017 in favour of the petitioner in respect of the subject property. The petitioner has been taking care of the third respondent. Due to some misunderstanding that arose between the petitioner and the third respondent, and at the instigation of the other children, the third respondent gave a complaint before the second respondent under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, seeking cancellation of the aforesaid settlement deed dated 14.06.2017. The second respondent vide his proceedings in Moo.Mo.A1/3152/2023 directed the petitioner to deposit a sum of Rs.10,000/- in the bank account of the third respondent towards his maintenance amount. The petitioner is also complying



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with the said order without default. However, as against the order passed by the second respondent, the third respondent preferred an appeal before the first respondent. By an impugned order dated 01.07.2024, the second respondent, without proper appreciation of mind, cancelled the settlement deed executed in favour of the petitioner. Aggrieved over the same, the petitioner is before this Court.

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

4. A perusal of the memo filed by the petitioner reveals that the petitioner has been complying with the order of the second respondent by depositing the amount of Rs.10,000/- per month to the third respondent. He also undertakes that he will pay a sum of Rs.10,000/- on or before 5th day of every succeeding English Calendar Month. The settlement deed does not contain any condition that the settlement deed is executed on condition the petitioner maintains and takes care of the third respondent. Therefore, its cancellation is *per se* erroneous and contrary to the judgment of the Hon'ble Supreme Court reported in **2022 SCC Online 1684 (Sudesh Chhikara Vs., Ramti Devi and another)**.



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5. However, in view of the above undertaking, this writ petition is disposed of in terms thereof. In the event of any default, the said amount would be charged on the property, which is the subject matter of the settlement deed dated 14.06.2017. The order insofar it set asides the settlement deed is set aside. No costs. Consequently, connected Miscellaneous Petitions are closed.

16-09-2025

NCC : Yes/No

Index : Yes/No

Rmk

To

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P.T. ASHA,J.

Rmk

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