



W.P.(MD)No.24954 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2025

CORAM:

THE HON'BLE MS.JUSTICE P.T.ASHA

W.P.(MD).No.24954 of 2024
and
W.M.P(MD)No.21255 of 2024

MA. Babuset

... Petitioner

Vs.

1. The District Collector cum Senior Citizen
Maintenance and Welfare Appellate Tribunal,
Trichy.
2. The Revenue Divisional Officer cum
Senior Citizen Maintenance and Welfare and Original Tribunal,
Trichy.

3. Noorjahan

... 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 order dated 20.09.2024 in Na.Ka.G1/1622014/2023 passed by the 1st Respondent and quash the same.



W.P.(MD)No.24954 of 2024

WEB COPY

For Petitioner : Mr.M.Dinesh Hari Sudarsan
For R1 and R2 : Mr.D.Sasikumar
Additional Government Pleader
For R3 : Mr.R.Rajesh Kumar

ORDER

This writ petition is filed challenging the order dated 20.09.2024 passed by the 1st respondent in Na.Ka.G1/1622014/2023.

2. The short facts which is culminated in filing of this writ petition are as follows:-

The subject property which is a house property consisting of three houses measuring 700 Sq.ft., 390 Sq.ft., and 529 Sq.ft., respectively on a plot admeasuring 3161 Sq.ft., at No.74/2, VOC Street, Malai Kovil, Thiruverambur, Trichy was purchased by the petitioner's father and mother jointly under a registered Sale Deed dated 02.09.1982 and from the date of their purchase they have been in possession and enjoyment of the same. The petitioner would submit that since he was working in abroad, he had



W.P.(MD)No.24954 of 2024

WEB COPY

been sending money to help in repaying the mortgage loan taken in respect of the subject property and in consideration of the same and out of love and affection, on his return the petitioner's parents had settled the subject property in his favour under a registered Settlement Deed dated 15.12.2010. On the very same day, three affidavits were prepared wherein:-

- 1) *The petitioner agreed that his parents could collect rent in respect of the subject property for their lifetime;*
- 2) *The petitioner would pay a sum of Rs.1,00,000/- (Rupees One Lakh Only) to his father;*
- 3) *The petitioner would pay a sum of Rs.1,00,000/- (Rupees One Lakh Only) to his sister.*

3. The payments detailed in S.No.2 and 3 were also paid by the petitioner. The petitioner would submit that after the death of his father, his sister started creating problems and she had been claiming money for the subject property. Since the same was denied by other elders of the family members, she had instigated the 3rd respondent, namely the mother of the petitioner, to file a petition to cancel the Settlement Deed executed in favour of the petitioner under the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 before the 2nd respondent. The petitioner would submit that he has been regularly taking



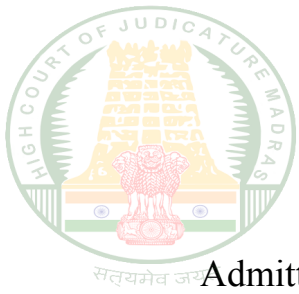
W.P.(MD)No.24954 of 2024

WEB COPY

care of his mother and it is only she who is collecting the rent from the property and retaining it for her expenses. However, the 3rd respondent mother had been brainwashed into filing a petition. However, the same was dismissed by the 2nd respondent vide order dated 10.10.2023. Thereafter, the 3rd respondent preferred an appeal before the 1st respondent and the 1st respondent has allowed the appeal and cancelled the Settlement Deed dated 15.12.2010. The petitioner would further submit that he has also settled the property on his wife and children under a registered Settlement Deed dated 25.03.2023 and the same was also cancelled. Challenging the same, the petitioner is before this Court.

4. Heard the learned counsel on either side.

5. Admittedly, the Settlement Deed dated 15.12.2010 does not contain any condition that the settlee viz., the petitioner herein should take care of his parents. On the contrary, there are affidavits filed thereafter, under which certain conditions had been imposed which has also been complied with by the petitioner. A sum of Rs.1,00,000/- (Rupees One Lakh Only) had been paid to the father as also to the sister of the petitioner.



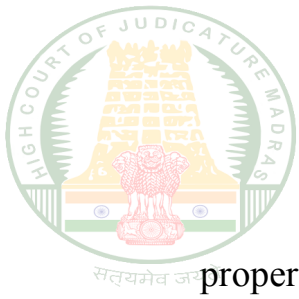
W.P.(MD)No.24954 of 2024

WEB COPY

Admittedly, the mother is collecting the rent in respect of the portions of the subject property which has been leased out. Therefore, there is no violation of the conditions imposed upon the petitioner.

6. The Hon'ble Supreme Court in the judgment in ***Sudesh Chhikara vs Ramti Devi***, reported in 2022 SCC Online SC 1684 has held that the reservation of a condition for providing basic amenities and basic physical needs in the transfer documents is a sine quo non for applicability of the provisions of Section 23(1) of the Maintenance and Welfare of parents and Senior Citizens Act, 2007.

7. Admittedly, in the instant case there is no such condition in the Settlement Deed but the petitioner has signed separate affidavits where he has undertaken certain acts. These acts have also been fulfilled by him. Therefore, there is no violation of the conditions undertaken by him. Therefore, the impugned order dated 20.09.2024 has to necessarily be set aside and is accordingly set aside. The petitioner undertakes to abide by the undertaking given by him in his affidavit dated 15.11.2010 and since the mother is collecting the rent with reference to the portion of the subject



W.P.(MD)No.24954 of 2024

WEB COPY

property, she will continue to collect the same till her lifetime. After her lifetime the tenants in the subject property shall attorn tenancy in respect of the petitioner and pay rent to him.

8. It is also brought to the notice of this Court by the learned counsel for the petitioner that despite orders of this Court, the Settlement Deed executed by the petitioner in favour of his wife and children dated 25.03.2023 has been cancelled. This cancellation has been done when the stay petition is pending. Therefore, the cancellation has to necessarily be set aside and is accordingly set aside and the encumbrance created in this regard by the registering authority shall be cancelled and the original entries restored.

9. The writ petition stands allowed with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

15.09.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



W.P.(MD)No.24954 of 2024

WEB COPY

To

1. The District Collector cum Senior Citizen
Maintenance and Welfare Appellate Tribunal,
Trichy.
2. The Revenue Divisional Officer cum
Senior Citizen Maintenance and Welfare and
Original Tribunal,
Trichy.



WEB COPY



W.P.(MD)No.24954 of 2024

P.T.ASHA, J.

rgm

W.P.(MD).No.24954 of 2024
and
W.M.P(MD)No.21255 of 2024

15.09.2025