



W.P(MD)No.25663 of 2025

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.25663 of 2025

and

W.M.P(MD)Nos.20097, 20098 & 21686 of 2025

Velusamy

..Petitioner

Vs

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.

3.The Sub Registrar,
Ettayapuram,
Thoothukudi District.

4.V.Regupathy
5.Prabhavathi

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for records relating to the impugned Final order in Na.Kasil/e-2984518/2025 on 21.05.2025 passed by the 1st respondent and quash the same as illegal and consequentially direct the respondents 1 to 3 to declare the settlement deed through registered Document Nos.3970/2013 and 3722/2024 executed by the petitioner in favour of the 4th Respondent as null and void and further declare the settlement deed executed by the 4th respondent in



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favour of the 5th respondent through registered Document Nos. 3720/2024 and 3721/2024 on the file of the 3rd respondent as null and void.

For Petitioner : M/s.S.Mamtha
For Respondent : Mr.S.Shanmugavel
Addl. Govt. Pleader for R1 to R3
Mr.S.Anwar Sameem for R4 & R5

ORDER

This Writ Petition has been filed challenging the impugned order passed by the first respondent in Na.Ka.Sil/e-2984518/2025 dated 21.05.2025. The petitioner also seeks a consequential direction to declare the settlement deeds executed by him in favour of the 4th respondent and the subsequent settlement deeds executed by the 4th respondent in favour of the 5th respondent as null and void.

2. The petitioner is a senior citizen and the father of the 4th respondent. After the demise of his wife, out of love and trust, the petitioner executed settlement deeds in favour of his son under Document Nos. 3970/2013 and 3722/2024, relating to properties situated at Sinthalakarai and Navalakkampatti villages. Subsequently, the 4th respondent transferred the said properties to his wife, the 5th respondent, under Document Nos. 3720/2024 and 3721/2024. Alleging neglect and apprehending further alienation of the properties, the petitioner approached the second respondent/Revenue Divisional Officer under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.



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3. The second respondent, by order dated 25.01.2025 in M.M.R.No. 96/2025, directed that the petitioner shall reside peacefully in the house at Sinthalakarai for his lifetime; that the respondents shall not alienate, encumber, lease, mortgage, or otherwise interfere with the property; and that the 4th respondent shall pay a monthly maintenance of Rs.8,000/- to the petitioner. It was further ordered that any violation would attract penal consequences under Section 24 of the Act. The said order was challenged by the petitioner before the first respondent/District Collector, seeking cancellation of the settlement deeds. The first respondent, by order dated 21.05.2025, confirmed the order of the second respondent and held that the settlement deeds could not be cancelled.

4. Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for respondents 1 to 3, and the learned counsel for respondents 4 and 5, and perused the records.

5. Section 23(1) of the Act enables cancellation of a transfer only when the transfer is made subject to a condition that the transferee shall provide basic amenities and physical needs to the transferor, and there is a breach of such condition. In the present case, it is not in dispute that the settlement deed dated 2013 does not contain any condition relating to maintenance.



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6. It is also evident that the petitioner continues to reside peacefully in the property and that the 4th respondent is paying maintenance of Rs. 8,000/- per month as directed. No material has been placed before this Court to show any violation of the subsisting orders. The Act is a beneficial legislation intended to ensure the welfare, dignity, and protection of senior citizens. However, it does not confer authority upon the Tribunal or this Court to cancel unconditional settlement deeds merely on account of family disputes or change of circumstances. The Appellate Tribunal has rightly exercised its jurisdiction within the limits prescribed under the statute and confirmed the order granting protection with respect to residence and maintenance to the petitioner. Further, the respondents 4 and 5 also assures that the order of the first respondent will be complied with.

7. In view of the above facts and legal position, this Court finds no infirmity or illegality in the impugned order dated 21.05.2025 passed by the first respondent. Hence, this writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

25.11.2025

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

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To

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P.T.ASHA, J.

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