



W.P(MD)No.25695 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.25695 of 2025

and

W.M.P(MD)No.20114 of 2025

S.Raja

..Petitioner

Vs

1.The District Collector,
Thanjavur District.

2.The Sub-Collector cum
Revenue Divisional Magistrate,
Kumbakonam,
Thanjavur District.

3.Saminathan

4.Jothi

..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 proceedings bearing Pa.Mu.1032/2025/A4 dated 08.07.2025 issued by the second respondent and quash the same.



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For Petitioner : Mr.M.Gnana Guru Nathan

For Respondents : Mr.D.Sasikumar
Addl. Govt. Pleader for R1 and R2
Mr.R.Senthilkumar for R3 and R4

ORDER

This Writ Petition has been filed challenging the impugned order bearing Pa.Mu.1032/2025/A4 dated 08.07.2025 issued by the second respondent, by which the second respondent cancelled the settlement deed executed by the respondents 4 and 5 in favour of the petitioner.

2. Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for respondents 1 and 2, and the learned counsel for respondents 3 and 4. The records were perused.

3. The petitioner submits that the third respondent, who is the petitioner's father, filed an application before the second respondent under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, seeking to cancel the settlement deed executed in favour of the petitioner (Document No.1463/2014) in respect of Plots No. 5 and 6 in Survey No. 100/3, Thepuramanallur Village, Thiruvudaimaruthur Taluk, Thanjavur District. The property was originally purchased in the name of his sister, Geetha, out of the petitioner's own funds, and multiple settlement deeds

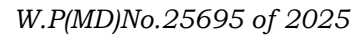


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were executed within the family over time. The petitioner spent substantial sums of his own money and borrowed funds to construct a house on the property, which has been rented out, generating income. The petitioner has been working abroad for the past 18 years, and the third respondent deliberately provided a local address to obtain an ex parte order, suppressing material facts such as the petitioner's continuous employment abroad and investment in constructing the house.

4. The third and fourth respondents contend that the settlement deed was executed under circumstances that require cancellation, as alleged coercion or undue influence was exercised by the petitioner. The property was originally in the name of the petitioner's sister and subsequently transferred through family settlement deeds. The petitioner's claim is disputed, and the respondents maintain that they had acted within their rights to seek cancellation before the second respondent. The respondents also assert that the petitioner did not exhaust the statutory remedy of appeal before appropriate authority.

5. On perusal of the records and submissions, it is seen that the impugned order was passed ex parte without serving notice to the petitioner, violating the principles of natural justice. The third respondent deliberately suppressed material facts, including the petitioner's long-term employment abroad. Further, after this Court took cognizance of the matter, the



6. Section 23(1) of the Act can be exercised by the authorities only in cases where the deed contains a condition that the transferee will take care of the transferrer with basic amenities and physical needs, and there is a breach of those conditions. This is also the dicta that has been laid down by the Honourable Supreme Court in its judgment in ***Sudesh Chikara v. Ramti Devi and another, 2022 SCC Online SC 1684*** and ***Urmila Dixit vs. Sunilsharan Dixit, 2025 SCC Online SC 2***. In the instant case, the settlement deed in question contains no any such condition.

25.11.2025

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To

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P.T.ASHA, J.

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