



W.P(MD)No.26760 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.26760 of 2025

and

W.M.P(MD)No.20754 of 2025

N.Baby

..Petitioner

Vs

1. The District Collector,
O/o.The District Collector,
Thanjavur District.

2. The Revenue Divisional Officer,
O/o.The Revenue Divisional Office,
Thanjavur Revenue Divisional Office,
Thanjavur Revenue Sub Division,
Thanjavur District.

3. The Sub Registrar
Karunthattangudi Sub Registration Office,
Thanjavur District.

..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 the record pertaining to the impugned order passed by the 2nd respondent vide Na.Ka.No.7042/2025/A6 dated 26.07.2025 and quash the same as illegal and unconstitutional and consequently direct the respondents herein to cancel the Gift settlement Deed executed by petitioner in favour of the petitioner's elder son namely M.Senthil Kumar vide Document No.750/2016



W.P(MD)No.26760 of 2025

dated 17.03.2016 so as to meet sudden and urgent medical expenses for treatment of the petitioner's elder son Senthilkumar by reconsidering petitioner's representation dated 04.02.2025.

For Petitioner : Mr.K.M.Karunakaran

For Respondents : Mr.D.Sasikumar
Addl. Govt. Pleader

ORDER

This writ petition has been filed seeking issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the second respondent in Na.Ka.No.7042/2025/A6 dated 26.07.2025, quash the same as illegal and unconstitutional, and consequently direct the respondents to cancel the Gift Settlement Deed executed by the petitioner in favour of his elder son, M. Senthil Kumar, vide Document No.750/2016 dated 17.03.2016, so as to enable the petitioner to meet the urgent medical expenses for the treatment of his said son, by reconsidering the petitioner's representation dated 04.02.2025.

2. The learned counsel for the petitioner would submit that the petitioner had executed the aforesaid Gift Settlement Deed in favour of his elder son, who is now stated to be suffering from a mental disorder. It is further submitted that, due to the said medical condition, the petitioner



W.P(MD)No.26760 of 2025

requires funds for his son's treatment and hence sought cancellation of the Gift Settlement Deed under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. However, the second respondent rejected the said request by the impugned order dated 26.07.2025 without properly appreciating the medical urgency and humanitarian grounds pleaded by the petitioner.

3. On perusal of the materials placed, this Court finds that the relief sought for by the petitioner essentially pertains to the cancellation of a registered Gift Settlement Deed, which involves adjudication of questions of title and mental capacity. Such issues are within the domain of the civil court and cannot be examined in a writ proceeding under Article 226 of the Constitution of India. Further, if the person concerned is of unsound mind, appropriate proceedings may be initiated before the competent forum under the relevant provisions of the Mental Healthcare Act, 2017 and the Code of Civil Procedure, seeking suitable reliefs.

4. In view of the above, this Court holds that the present writ petition is not maintainable. However, the petitioner is at liberty to work out his remedy before the competent Civil Court, in the manner known to law.



W.P(MD)No.26760 of 2025

5. Accordingly, this writ petition is dismissed. No costs. Consequently,
the connected miscellaneous petition is closed.

26.09.2025

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

To

1. The District Collector
O/o.The District Collector
Thanjavur District.
2. The Revenue Divisional Officer
O/o.The Revenue Divisional Office
Thanjavur Revenue Divisional Office
Thanjavur Revenue Sub Division
Thanjavur District.
3. The Sub Registrar
Karunthattangudi Sub Registration Office
Thanjavur District



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W.P(MD)No.26760 of 2025

P.T.ASHA, J.

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26.09.2025