



W.P(MD)No.28650 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.28650 of 2025

and

W.M.P(MD)Nos.22238 & 22240 of 2025

Tamilselvi

..Petitioner

Vs

1.The District Collector/
Appellate Authority,
(Under Maintenance and Welfare of Parents
and Senior Citizens Act, 2007),
Pudukkottai District,
Pudukkottai.

2.The Revenue Divisional Officer cum
The Chairman of Sub Divisional Tribunal,
(Under Maintenance and Welfare of Parents
and Senior Citizens Act, 2007)
Aranthangi,
Pudukkottai District.

3.Rajasekar

..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 records relating to the impugned order passed by the 1st respondent in Na.Ka.C6/E.3427701/2025 dated 09.09.2025 and the impugned order passed by the 2nd respondent in Mu.Mu.No.186/2025/A2 dated 28.03.2025 and quash the same and consequently to set aside the settlement deed in Document No.972/2021 dated 22.12.2021.



WEB COPY



W.P(MD)No.28650 of 2025

For Petitioner : Mr.D.Rameshkumar
For Respondents : Mr.D.Farjana Ghoushia
Spl. Govt. Pleader (for R1 & R2)
No appearance for R3

ORDER

This writ petition has been filed seeking issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the first respondent in Na.Ka.C6/E.3427701/2025 dated 09.09.2025 and the impugned order passed by the second respondent in Mu.Mu.No.186/2025/A2 dated 28.03.2025, and to quash the same, and consequently to set aside the settlement deed executed in Document No. 972/2021 dated 22.12.2021.

2. The petitioner submits that the third respondent is her son. She states that she has another daughter, Rajagokila, who was married 15 years ago and is residing separately in Thanjavur District. Through the hard work of the petitioner and her husband, they were able to educate the third respondent up to the level of B.E. After completing his studies, he worked in China for some time, and thereafter, the petitioner arranged his marriage. The petitioner states that the third respondent returned to India for his marriage, which was performed in a grand manner. Due to their advanced age, the petitioner and her husband are unable to maintain themselves or earn for their daily needs, and therefore, they are dependent on the third respondent.



W.P(MD)No.28650 of 2025

WEB COPY

3. In these circumstances, at the request of the third respondent, the petitioner and her husband executed a settlement deed on 22.12.2021 in his favour, relating to property situated in S.No.3/1D1 at Alathur Village, Avudaiyarkovil Taluk, Pudukkottai District, measuring 0.04.50 ares. The deed was duly registered before the Sub-Registrar Office, Mimisal, as Document No.972/2021. A private cellphone company had already erected a tower on the said land and was paying a monthly rent of Rs.10,000/-. After the execution of the settlement deed, the third respondent began receiving the rent but allegedly refused to maintain the petitioner and her husband and declined to provide them with medical assistance and other basic necessities such as food, clothing, and shelter. He thereafter chose to reside with his in-laws.

4. Left with no other option, the petitioner submitted an application before the first respondent on 20.01.2025, seeking cancellation of the settlement deed and requesting that the rent be paid to her instead. The application was forwarded to the second respondent for enquiry. During the enquiry, the third respondent appeared and filed his written objections. By order dated 28.03.2025 in Mu.Mu.No.186/2025/A2, the second respondent rejected the petitioner's request to cancel the settlement deed. However, the second respondent directed the third respondent to pay a sum of Rs. 15,000/- per month as maintenance to the petitioner and her husband on



W.P(MD)No.28650 of 2025

or before the 5th of every month, failing which the settlement deed would be liable to cancellation under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

5. Aggrieved by the said order, the petitioner preferred an appeal before the first respondent on 02.06.2025. The first respondent admitted the appeal and, after considering the facts and circumstances, confirmed the order of the second respondent but modified the maintenance amount from Rs.15,000/- per month to Rs.1,000/- per month. This led to the filing of the present writ petition.

6. When the matter was taken up for hearing on 14.10.2025, the learned Special Government Pleader appearing for respondents 1 and 2, on instructions submitted that the reduction of the maintenance amount to Rs. 1,000/- in the impugned order was a typographical error and that the correct amount is Rs.10,000/-. The corrected order has been placed before this Court and furnished to the learned counsel for the petitioner.

7. Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, clearly embodies the legislative intent to protect elderly parents from neglect after transfer of their property. However, the said provision contemplates cancellation of a deed only where it is established that such transfer was made subject to a condition of providing basic



W.P(MD)No.28650 of 2025

amenities and physical needs. In the present case, both the appellate authority and the original authority have concurrently held that the settlement deed does not contain any such express condition, and therefore, its cancellation is not legally permissible. This Court finds no material placed by the petitioner to rebut such concurrent findings or to demonstrate any perversity in the reasoning adopted by the authorities.

8. Further, although the petitioner has highlighted the alleged neglect by the third respondent, the statutory remedy of seeking maintenance has already been addressed by the authorities, who have directed payment of Rs. 10,000/- per month. The corrected order clarifies the actual intent of the authority and rectifies the typographical error. The maintenance mechanism under the Act is intended as a welfare measure, and so long as it provides adequate relief, there is no justification for invoking the extraordinary jurisdiction of this Court to interfere with the impugned orders.

9. In view of the above, this Court finds no reason to interfere with the impugned orders. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

10.11.2025

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



W.P(MD)No.28650 of 2025

To

- 1.The District Collector/
Appellate Authority,
(Under Maintenance and Welfare of Parents
and Senior Citizens Act, 2007),
Pudukkottai District,
Pudukkottai.
- 2.The Revenue Divisional Officer cum
The Chairman of Sub Divisional Tribunal,
(Under Maintenance and Welfare of Parents
and Senior Citizens Act, 2007)
Aranthangi,
Pudukkottai District.



WEB COPY



W.P(MD)No.28650 of 2025

P.T.ASHA, J.

skn

Writ Petition(MD)No.28650 of 2025
and
W.M.P(MD)Nos.22238 & 22240 of 2025

10.11.2025