



W.P.(MD)No.32621 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2025

CORAM:

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

W.P.(MD).No.32621 of 2025

and

W.M.P(MD)No.25719 of 2025

A.Perumal

... Petitioner

Vs.

1. The Presiding Officer,
Appellate Tribunal under the Maintenance and Welfare of Parents
and Senior Citizens Act, 2007,
Chaired by the District Collector,
District Collector's Office,
Tiruchirappalli 620 001.
2. The Presiding Officer,
Appellate Tribunal under the Maintenance and Welfare of Parents
and Senior Citizens Act, 2007,
The Revenue Divisional Officer,
Tiruchirappalli.
3. P.Elumalai

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to calling for the records of the first respondent in the impugned proceedings in Na.Ka.G1/3184420/2025 dated 16.07.2025, quash the same consequentially set aside the settlement deed dated 18.12.2012 executed by the petitioner in favour of the third respondent.



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For Petitioner : Mr.K.S.Vamsidhar
For R1 and R2 : Mr.D.Sasi Kumar
Additional Government Pleader

ORDER

The above writ petition has been filed for the following relief:-

“Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to calling for the records of the first respondent in the impugned proceedings in Na.Ka.G1/3184420/2025 dated 16.07.2025, quash the same consequentially set aside the settlement deed dated 18.12.2012 executed by the petitioner in favour of the third respondent.”

2. Mr.D.Sasi Kumar, learned Additional Government Pleader takes notice on behalf of the respondents 1 and 2.

3. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself. Since no adverse orders are to be passed against the 3rd respondent, notice to the 3rd respondent is dispense with.



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4. The case of the petitioner is that the property comprised in S.No. 307/2 situated at Alathur Village, Tiruchirapalli originally belonged to him. By a registered Settlement Deed dated 18.12.2012, the petitioner had settled the property in favour of his son viz., the 3rd respondent herein on the basis of his assurance that he would take care of the petitioner. However, the 3rd respondent had failed to take care of the petitioner. Therefore, the petitioner had filed an application before the 2nd respondent for cancellation of the Settlement Deed dated 18.12.2012.

5. Based on the said application, the 2nd respondent had issued a notice to the 3rd respondent. Pursuant to the notice, the 3rd respondent in his defence stated that the petitioner is refusing to receive the amounts sent to him and further stated that he is ready to pay a sum of Rs.10,000/- as maintenance to the petitioner. Therefore, the 2nd respondent had disposed of the application submitted by the petitioner. Aggrieved by the same, the petitioner is before this Court.

6. Heard the learned counsel on either side.



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7. This is a case where the parents seeks to sponge off his son who at a very young age has been taking care of his parents. It is rather unfair that the parents are acting unfairly. The provisions of the Act can be invoked only if the settlement contains the condition that the transferee should take care of the basic amenities and basic physical needs of the senior citizen and there is a breach of this condition.

8. In the case on hand, there is no such condition. Further, on his own volition the 3rd respondent son is ready to give maintenance to the petitioner which offer has also been turned down. In these circumstances, there is no grounds made out for interfering with the orders of the 1st respondent.

9. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

17.11.2025

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



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P.T.ASHA, J.

rgm

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