



W.P.(MD)No.32644 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.11.2025

CORAM:

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

W.P.(MD).No.32644 of 2025

S.Bose

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Madurai.
2. The Thasildar,
Taluk Office,
Vadipatti,
Madurai District.
3. The Sub Registrar,
Office of the Sub Registrar,
Alanganallur,
Madurai 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 records for the records pertaining to the Impugned Order passed by the first respondent vide his proceedings in Pa.Mu.NO.E-3689187/2025/J dated 25.10.2025 and quash the same as illegal and direct the 1st respondent to issue suitable direction to the 2nd and 3rd respondent to restore the name of the petitioner in the revenue records and to remove the entry in the Encumbrance Certificate.



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For Petitioner : Mr.D.Senthil
For R1and R2 : Mrs.S.Jeya Priya
Government Advocate

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 call for the records for the records pertaining to the Impugned Order passed by the first respondent vide his proceedings in Pa.Mu.NO.E-3689187/2025/J dated 25.10.2025 and quash the same as illegal and direct the 1st respondent to issue suitable direction to the 2nd and 3rd respondent to restore the name of the petitioner in the revenue records and to remove the entry in the Encumbrance Certificate”

2. Mrs.S.Jeya Priya, learned Government Advocate takes notice on behalf of the respondents 1 and 2 Mr.G.V.Vairam Santhosh, learned Additional Government Pleader takes notice on behalf of the 3rd respondent.

3. The petitioner would submit that his deceased father had executed a registered settlement deed in his favour on 28.07.2003 in respect of the property measuring about 60 cents comprised in S.No.106/3C situated at



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Paraipatti Village, Vedipatti Taluk, Madurai District. The deed also covered an extent of 12 cents in S.No.107, 7 cents in S.No.2/1A, 33 cents in S.No.3/2 and 10 cents in S.No.2/3B. Thereafter his father on the instigation of his brothers had filed proceedings under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 hereinafter called the act seeking to cancel the Settlement deed executed in favour of the petitioner. The 1st respondent without issuing notice to the petitioner canceled the settlement deed. This order was challenged by the petitioner by filing an appeal before the District Collector, in the meantime the petitioner's father had expired on 02.12.2022. The Petitioner hereinafter withdrew the proceedings before the District Collector and filed W.P.No.2888 of 2023 challenging the proceeding of the 1st respondent. By order dated 09.04.2025 the order of the respondent was set aside on the ground that the act did not have retrospective effect and granted liberty to the private respondents to workout their remedy before the civil court. Consequently, the Cancellation of the settlement deed was set aside.



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4. The petitioner thereafter made an application to the 1st respondent to issue direction to the 2nd and 3rd respondent to restore the patta in the name of the petitioner in conformity with the order in W.P.No.2888 of 2023 and to cancel the entry made in the encumbrance certificate on the basis of the earlier order of the 1st respondent. However this application was rejected by the 1st respondent through the impugned order by stating that this Court had directed the private respondents to approach the civil court and that the petitioner should file an appeal before the District Revenue Officer. It is challenging this order that the Writ petition is filed.

5. Heard the submission of the counsels on either side and the writ is taken up for final hearing at admission stage and perused the records. It is seen that the very invocation of the Act by the petitioner's late father was one without jurisdiction as he had sought to cancel the settlement deed made in the year 2003 by invoking the provisions of the Act which came into force only in the year 2007. This court in W.P.(MD) No. 2888 of 2023 had rightly set it aside. As a result, the cancellation of the settlement deed has been set aside and position of the parties restored to Status quo



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ante. The order giving liberty to the private respondents to approach the civil court was merely an observation and not a direction. The impugned order rejecting the petitioner's application on the ground that the private parties were directed to approach the civil court in per se erroneous. Further the direction to appeal before the District Revenue Officer cannot be sustained as the entire proceedings under the Act is one without jurisdiction. Therefore, viewed from any angle, the order of the 1st respondent is unsustainable.

6. Therefore, the writ petition is allowed and the impugned order is quashed. The 1st respondent shall direct the 2nd and 3rd respondent to restore the petitioner's revenue record and to remove the entry relating to the cancellation of the settlement deed dated 28.07.2003 in the encumbrance certificate. No costs.

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



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P.T.ASHA, J.

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