



W.P.(MD)No.33275 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2025

CORAM:

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

W.P.(MD).No.33275 of 2025

Kandasamy

... Petitioner(s)

Vs

1. The District Collector,
Karur District,
Karur
2. The District Registrar,
District Registrar Office,
Karur,
Karur District.
3. The Revenue Divisional office,
Revenue Divisional Office,
Karur,
Karur District.
4. The Sub Registrar,
Sub Registrar Office,
Mela Karur,
Karur District.
5. Seenivasan

... Respondents



W.P.(MD)No.33275 of 2025

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 pertaining to the impugned order in Moo.Mu.10318/2025 (E4) dated 02.09.2025 passed by the 1st respondent and quash the same and consequently direct the 2nd respondent to cancel the Settlement Deeds executed in favour of the 5th respondent in Doc. No.7180/2022 dated 16.07.2022 within the time frame stipulated by this Honble Court as well as to provide protection to the petitioners life with Rule 23(1) of Tamilnadu Maintenance and Welfare of Parents and Senior Citizens Rules 2007 and pass such other or further orders as this Honble Court may deem fit and proper in the circumstances of this case and thus render justice.

For Petitioner : Mr.S.Muniyandi
For R1 to R4 : 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 call for the records pertaining to the impugned order in Moo.Mu. 10318/2025 (E4) dated 02.09.2025 passed by the 1st respondent and quash the same and consequently direct the 2nd respondent to cancel the Settlement Deeds executed in favour of the 5th respondent in Doc. No.7180/2022 dated 16.07.2022 within the time frame stipulated by this Honble Court as well as to provide protection to the petitioners life with Rule 23(1) of Tamilnadu Maintenance and Welfare of Parents and Senior Citizens Rules 2007 and pass such other or further orders as this Honble Court may deem fit and proper in the circumstances of this case and thus render justice”



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2. Mr.D.Sasikumar, learned Additional Government Pleader takes notice on behalf of the respondents 1 to 4.

3. By consent of both the 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 5th respondent, notice to the 5th respondent is dispense with.

4. The facts as set out in the affidavit filed in support of the writ petition are as follows:-

The petitioner would submit that he is a senior citizen who is aged about 79 years and has been living with his daughter namely Santhi at Kerala. He would submit that he owned the lands in S.Nos.2/8, 214/1, 214/6, 232/A3, 232/B4, 233/D3, 234/D2, 259/4, 259/7, 259/9, 688/2, 688/4, 689/2, 689/4, 234/A2, 235/2, 232/A1, 681, 259/3 and 247/2A situated at Athoor Village, Manmangalam Taluk, Mela Karur Sub Registration Officer, Karur District. These properties were his ancestral property and he has been in possession and enjoyment of the same. The 5th respondent is none other than his own son.



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5. It is the case of the petitioner that on the false assurance that the 5th respondent would take care of the petitioner and also the petitioner's daughter namely Shanthi, the petitioner had executed a settlement deed dated 16.07.2022 in favour of the 5th respondent which was registered as Doc.No.7180 of 2022 on the file of the 4th respondent. However, contrary to the assurance, after the execution of the settlement deed, the 5th respondent neither cared for the petitioner nor given any maintenance. Further, the 5th respondent had driven the petitioner out of his home and he is now residing with his daughter at Kerala. Therefore, the petitioner had filed a petition under the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Rules, 2007, seeking to quash the settlement deed executed in favour of the 5th respondent before the 3rd respondent. The 3rd respondent without following due process of law and without addressing the petitioner's grievance had dismissed the said petition.

6. Aggrieved by the same, the petitioner had filed an appeal to the 1st respondent, who by the impugned order has dismissed the appeal and confirmed the order passed by the 3rd respondent. Aggrieved by the same, the petitioner is before this Court.



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7. The only ground on which the order is sought to be challenged is that the Settlement Deed had been executed only upon the inducement of the 5th respondent that he would take care of the petitioner. Further, he is now residing at Kerala only on account of the fact that he had been sent out of his house.

8. Heard the learned counsel on either side.

9. The Hon'ble Supreme Court in the judgment in ***Sudesh Chhikara vs Ramti Devi***, reported in 2022 SCC Online SC 1684 has held that the reservation of a condition for providing basic amenities and basic physical needs in the transfer documents is a sine quo non for applicability of the provisions of Section 23(1) of the Maintenance and Welfare of parents and Senior Citizens Act, 2007.

10. A perusal of the Settlement Deed clearly shows that here is no pre-condition imposed upon the settlee to take care of the petitioner herein. The Settlement Deed dated 16.07.2022 executed by the petitioner in favour of the 5th respondent is extracted below:-



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भारतीय न्यायिक INDIA NON JUDICIAL
दस हजार रुपये
₹ 10000
Rs. 10000
TEN THOUSAND RUPEES
INDIA

நாடு தமிழ்நாடு TAMILNADU
16.7.22
ச.சுந்தரன்
காரைக்காலம் மாவட்டம்

F D57615
S. VIJAYALAKSHMI,
STAMP VENDOR,
HYDRAPALAYAM,
KARUR DL L. No: 26/2008

— 8 —

சனகந்த பிழாராஜித வணக்கத்தில் பாத்தியபட்டினம், சன்
பட்டினம் வணக்கத்தில் சிட்டாவை அழைக்கும் (தனி பட்டா
வணக்கம் 2022, 198, கூட்டு பட்டா வணக்கம் 2024, 2249, 2008, 1987,
1020) ஆகிய பாத்தியபட்டினம் தான் சன் சுந்தரன் தனது
அறப்படுத்தி வருவதை கீழ்க்கண்ட சொந்த நான்கு தெய்வம்
வந்த சொந்தவனாகும். பத்திரம் மூலம் உணவு கொடுத்தார்,
நான்கு தெய்வம் உன் வணக்கத்திற்குள் வந்து விட்டேன்.

இனி இத்தகைய உன் சொந்த வணக்க (நிகழ்தகவு) முறை
முறை (K.சீவனாசன்) ஆகிய நான் நான்கு தெய்வம் முறை சீவ
வந்த பாத்தியபட்டினம் தானாதி விரிவாக விரிவாகவந்ததை
கனக்கப்பட்டு சர்க்கார் வரி முறையினை செலுத்தி, பட்டாவை உன்
கொடுத்த முறையில் கொண்டு ஆகிய அனுபவத்தை கொள்ள
வந்தேன்.

S. S. S. S.

18 சனவரி 2022
சுந்தரன்



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11. A reading of the above settlement deed would clearly substantiate the fact that the Settlement Deed has not been executed in lieu of the settlee taking care of the petitioner till the end-of-life. Therefore, the writ petition stands dismissed. No costs.

20.11.2025

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



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P.T.ASHA, J.

rgm

To

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