



WEB COPY

WP No. 827 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-06-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

**WP No. 827 of 2026 and
WMP.Nos.995 and 997 of 2026**

K.Vadivel
S/o. Kuppusamy,
No. 191/2 Padavettamman nagar,
68th Athur Madura, Thimmavaram Village,
Chengalpattu Taluk and District.

..Petitioner(s)

Vs

1. The District Magistrate and
District Collector,
Chengalpattu Collectorate,
Chengalpattu District.
2. The Sub Collector and
Officer of the Tribunal for Senior Citizens and
Maintenance and Welfare of parents,
Chengalpattu RDO Office,
Chengalpattu District.
3. K.Muniyammal,
W/o. Kuppusamy,
No. 191/2 Padavettamman Nagar,
68th Athur Madura, Thimmavaram Village,
Chengalpattu Taluk and District
4. K.Murugan
s/o. Kuppusamy,
No. 191/2 Padavettamman nagar,
68th Athur Madura, Thimmavaram village,
Chengalpattu Taluk and District
5. M.Meena
W/o. K.Murugan,
No. 191/2 Padavettamman Nagar,



68th Athur Madura, Thimmavaram village,
Chengalpattu Taluk and District

WEB COPY

..Respondent(s)

Writ Petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Certiorari calling for the records of the 2nd respondent in Mu.Mu.No. 04(26)/ 2025/ A1 dated 2.08.2025 on the file of the 2nd respondent as confirmed in the order dated 15.12.2025 in Na.Ka.No. 13364/ 2025/ M1 on the file of the 1st respondent and to quash the same.

For Petitioner(s): Mr.K.Chandrasekaran

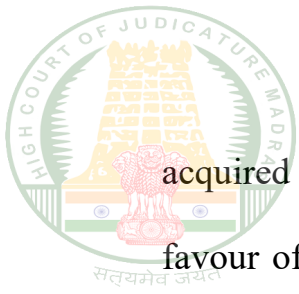
For Respondent(s): Mr.R.Saravana Kumar (R3 to R5)
Mr.D.Siddarth (R1 and R2)
Government Counsel

Order

This Writ Petition is filed challenging the order of the 2nd respondent in Mu.Mu.No. 04(26)/ 2025/ A1 dated 2.08.2025 on the file of the 2nd respondent as confirmed in the order dated 15.12.2025 in Na.Ka.No. 13364/ 2025/ M1 on the file of the 1st respondent and to quash the same.

2. The facts of the case in brief are as follows:

(i)The 3rd respondent is the mother of the petitioner. The 4th respondent is his brother and the 5th respondent is his wife. The 3rd respondent executed a Settlement Deed in favour of the petitioner on 01.03.2013 with respect to the property measuring 6540 Sq.ft. at Thimmavaram Village, which is the self



acquired property of the petitioner. Thereafter, revenue records were mutated in favour of the petitioner in Patta No.2400. Apart from the aforesaid Settlement Deed, the 3rd respondent also executed Settlement Deeds in favour of 4th and 5th respondents for an extent of 17784 square feet and the same is also the self acquired property of the 3rd respondent. Subsequently, the 3rd respondent filed an application under Maintenance and Welfare of Parents, before the second respondent and the said Authority vide order dated 02.08.2025 cancelled the settlement deed executed by the third respondent in favour of the petitioner and challenging the same, the petitioner preferred an appeal before the first respondent and the said authority confirmed the order passed by the second respondent vide order dated 15.12.2025. Challenging the said order, the present Writ Petition has been filed.

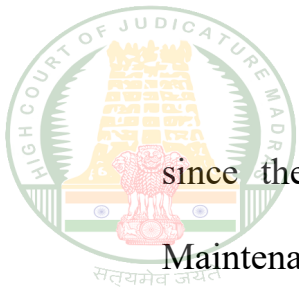
3. The learned counsel appearing for the petitioner would submit that the issues raised in these writ petition is no longer res integra and have been decided by the Hon'ble Full Bench of this Court in the decision reported in **2022 SCC Online Mad 4343 [Sasikala Vs. Revenue Divisional Officer and another]**, wherein it is held that a sale deed or a deed of conveyance other than testamentary dispositions which is executed and registered cannot be unilaterally cancelled and that as regards gift or settlement deed, a deed of revocation or cancellation is permissible only in a case which fall under Section 126 of Transfer of Property Act. Hence, the impugned order is liable to be set



WEB COPY

4. Per contra, the learned counsel appearing for the 3rd respondent would submit that since the petitioner had not taken care of the 3rd respondent, who is a senior citizen and started ill treating her, she submitted a representation to the respondent for cancellation of the Settlement Deed dated 01.03.2023. Thereafter, the 2nd respondent issued a notice to the petitioner and the 3rd respondent to appear before the 2nd respondent for enquiry, but the petitioner failed to appear for enquiry. Subsequently, after conducting enquiry, the 2nd respondent passed an order dated 15.12.2025 cancelling the settlement deed executed by the 3rd respondent. Further he would submit that challenging the order of the 2nd respondent, the petitioner filed an Appeal before the 1st respondent and the 1st respondent rightly rejected the Appeal on the ground that there is no provision in the Act for filing the Appeal. He therefore prays for dismissal of this Writ Petition.

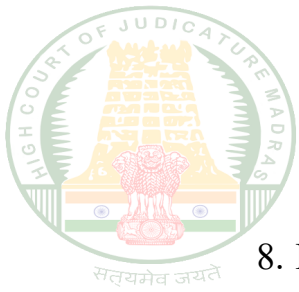
5. The learned Government Counsel appearing for the respondents 1 and 2 would submit that the subsequent to the decision of the Full Bench of this Court, the Hon'ble Supreme Court has dealt with similar issue in the case of ***Urmila Dixit Vs. Sunil Sharan Dixit and others*** reported in **2025 (1) CTC 523**, wherein the Hon'ble Apex Court held that out of love and affection, the parents will execute the Settlement Deed or Gift Deed in favour of their children and



since the children failed to take care of their parents, as Section 23 of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (in short 'the Act'), the Gift Deed/Settlement Deed executed by the parents are held to be void and the same can be cancelled. Further, he would submit that in the present case, since the petitioner failed to take care of his mother, the 2nd respondent, after conducting enquiry has cancelled the Settlement Deed executed in his favour. Therefore, he prays for dismissal of this Writ Petition.

6. Heard both sides. Perused the records.

7. On a perusal of the Judgment of Hon'ble Apex Court relied on by the learned Government Counsel, it is seen that two documents were executed one is the Promissory note, wherein it is stated that the promisor shall serve the Appellant therein and her husband till the end of their life and in the absence of him fulfilling such obligation, the subsequent deed can be taken back by the Appellant and the Second Document is the Gift Deed which also records the similar condition. But in the case on hand, a perusal of the Settlement Deed clearly shows that no such condition has been recorded and it is mentioned as irrevocable and therefore Section 23 of the Act. In the absence of any condition in the settlement deed, the same cannot be cancelled by the second respondent. Therefore, the decision cited by the learned Government Counsel appearing for the respondents 1 and 2 will not be applicable to the case on hand.



WEB COPY

8. In this context, it is useful to extract hereunder the relevant portion of the decision of Hon'ble Full Bench of this Court reported in **2022 SCC Online Mad 4343 [Sasikala Vs. Revenue Divisional Officer and another]**:

“44. From the discussions and conclusions we have reached above with reference to various provisions of Statutes and precedents, we reiterate the dictum of Hon'ble Supreme Court in Thota Ganga Laxmi v. Government of Andhra Pradesh, reported in (2010) 15 SCC 207 and the Full Bench of this Court in Latif Estate Line India Ltd., case, reported in AIR 2011 Mad 66 and inclined to follow the judgment of three member Bench of Hon'ble Supreme Court in Veena Singh's case reported in (2022) 7 SCC 1 and the judgment of two member Bench of Hon'ble Supreme Court in Asset Reconstruction Company (India) Ltd., Case, reported in 2022 SCC OnLine SC 544 for the following propositions:

(a) A sale deed or a deed of conveyance other than testamentary dispositions which is executed and registered cannot be unilaterally cancelled.

(b) Such unilateral cancellation of sale deed or a deed of conveyance is wholly void and non est and does not operate to execute, assign, limit or extinguish any right, title or interest in the



WEB COPY



property.

(c) Such unilateral cancellation of sale deed or deed of conveyance cannot be accepted for registration.

(d) The transferee or any one claiming under him or her need not approach the civil Court and a Writ Petition is maintainable to challenge or nullify the registration.

(e) However, an absolute deed of sale or deed of conveyance which is duly executed by the transferor may be cancelled by the Civil Court at the instance of transferor as contemplated under Section 31 of Specific Relief Act.

(f) As regards gift or settlement deed, a deed of revocation or cancellation is permissible only in a case which fall under Section 126 of Transfer of Property Act, and the Registering Authority can accept the deed of cancellation of gift for registration subject to the conditions specified in para 42 of this judgment.

(g) The legal principles above stated by us cannot be applied to cancellation of Wills or power of Attorney deed which are revocable and not coupled with interest.

45. As a result of our forgoing conclusions, we answer the reference by holding that the Registrar has no power to accept the deed of cancellation to nullify the deed of conveyance made earlier, when the



WEB COPY

deed of conveyance has already been acted upon by the transferee. Since anyone may try to mislead or misinterpret our judgment by referring to the question of reference we insist that our answer to the reference should be understood in the light of our conclusions summarised in the previous paragraph. The decision on individual cases: 46. The writ petition in W.P(MD)No.6889 of 2020 is filed by the daughter of the second respondent to quash the order passed by the first respondent under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act 2007. The gift deed executed by the second respondent in favour of the writ petitioner was unilaterally cancelled by the second respondent father. The settlement deed stated to have been executed by the second respondent, dated 06.03.2015 is irrevocable and it is a deed of settlement out of love and affection. The second respondent has specifically stated that he has no right to revoke the settlement deed. From the recitals, the settlement does not attract Section 126 of Tamil Nadu Property Act. It is seen that the settlor viz., the second respondent, has not put any condition. In other words, the gift deed is not subject to any condition or terms that the transferor shall provide the basic amenities and basic physical needs to the second respondent. In such circumstances, this Court is of the view that there is no scope for invoking the power provided to the second respondent under Section 23 of the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Act, 2007".

9. Applying the ratio laid down in the decision of Hon'ble Full Bench of this Court reported in **2022 SCC Online Mad 4343 [Sasikala Vs. Revenue Divisional Officer and another]**, the order impugned herein is set aside and the



settlement deed executed by the 3rd respondent in favour of the petitioner is restored.

WEB COPY

8. This Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

10-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
arr

To

1. The District Magistrate and
District collector,
Chengalpattu collectorate,
Chengalpattu District.
2. The Sub Collector and
Officer of the Tribunal for senior citizens and
Maintenance and Welfare of parents,
Chengalpattu RDO Office,
Chengalpattu District



WEB COPY

WP No. 827 of 2



M.DHANDAPANI J.

arr

WP No. 827 of 2026

10-06-2026



WEB COPY

WP No. 827 of 2





WEB COPY

WP No. 827 of 2

