



WEB COPY

WP No. 1605 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2026

CORAM

THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

**WP No. 1605 of 2022
and W.M.P.No.1743 of 2022**

Akila

..Petitioner(s)

Vs

1. The Revenue Divisional Officer,
Udumalpet, Tiruppur District.

2. M.Narayana Samy

..Respondent(s)

Prayer: This writ petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records relating to the order passed by the 1st respondent in Moo.Mu.2010/20211/Aa1 dated 02.12.2021 and quash the same.

For Petitioner(s) : Mr.S.Conscious Elango

For Respondent(s) : Mr.P.Ganesan, GA for R1
Mr.N.Umapathi for R2

ORDER

This writ petition is filed to call for the records relating to the order passed by the 1st respondent in Moo.Mu.2010/20211/Aa1 dated 02.12.2021 and quash the same.

2. Learned counsel for the petitioner would submit that the petitioner is the daughter-in-law of the second respondent, who executed a sale deed dated



14.07.2021 in favour of the petitioner for a sale consideration of Rs.16,50,000/-.

The said amount was received by the second respondent at various point of time, before the execution of sale deed. Under these circumstances, the second respondent filed an application before the first respondent, seeking cancellation of the aforesaid sale deed by invoking Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (in short 'Act'). However, without considering the fact that the application preferred by the second respondent was not for the purpose of claiming any maintenance from his children, but it was only with the sole intention to cancel the sale deed executed in favour of the petitioner for due sale consideration, the first respondent vide proceedings Moo.Mu.2010/2021/Aa1 dated 02.12.2021, cancelled the sale deed executed in favour of the petitioner. Challenging the same, the petitioner has come forward with the present writ petition.

3. Learned counsel for the petitioner would further submit that the impugned order under the said Act could be passed only as against the children of the second respondent or against the properties transferred by way of gift or other gratuitous transfers and not against the property, which was purchased by way of sale deed. In the present case, the second respondent has executed a sale deed in favour of the petitioner for a sale consideration of Rs.16,50,000/-. Hence, invoking Section 23(1) of the said Act does not arise. Accordingly, he prays for appropriate orders.



4. Learned counsel appearing for the second respondent would submit that the second respondent executed a sale deed in favour of the petitioner under duress.

5. Learned Government Advocate appearing for the first respondent would submit that no sale consideration was paid to the second respondent, at the time of registration of sale deed. Therefore, the first respondent has passed an impugned order dated 02.12.2021 by cancelling the sale deed executed in favour of the petitioner.

6. Heard the learned counsel on either side and perused the materials available on record.

7. In the present case, the first respondent concluded that no sale consideration was paid to the second respondent at the time of registration of sale deed. However, the document clearly shows that the sale consideration of Rs.16,50,000/- was paid to the second respondent on various occasions prior to execution. Even if one assumes that the consideration was not paid, such a dispute must be decided by a Civil Court, not the first respondent; it is not the first respondent's duty to verify the payment of sale consideration. Furthermore, any claim that the deed was executed under duress must be proven by the second respondent through appropriate civil proceedings. However,



pursuing these legal remedies, invoking Section 23(1) of the Act is inappropriate. Therefore, the impugned order passed by the first respondent is liable to be quashed and the same is hereby quashed.

In the result, this writ petition stands allowed. However, liberty is granted to the second respondent to approach the Civil Court to agitate his grievance regarding the non-payment of sale consideration or the execution of the sale deed under duress. No costs. Consequently, the connected miscellaneous petition is closed.

24-03-2026

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

VM

To:

The Revenue Divisional Officer,
Udumalpet,
Tiruppur District.



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KRISHNAN RAMASAMY, J.

VM

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