



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2026

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THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 2513 of 2022

and

WMP No. 2655 of 2022

N.Jayabalan

..Petitioner(s)

Vs

1. The Collector cum District Magistrate,
Government of Puducherry,
Appellate Tribunal III Under Maintenance and
welfare of Parents and Senior Citizens,
Karaikal.
2. The Presiding officer - cum - Deputy Collector
(Revenue),
Government of Puducherry,
Tribunal III under Maintenance and Welfare of
Parents and Senior Citizens, Karaikal.
3. A. Saroja @ Gandhibai @ Gandhimathi

..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 in Appeal No.4 of 2021 dated 10.01.2022 on the file of Appellate Tribunal III under Maintenance and Welfare of Parents and Senior Citizens, Karaikal, Government of Puducherry and quash the same.

For Petitioner(s) : Mr.S.P.Vijayaragavan

For Respondent(s) : Mr.V.Vasanthakumar, AGP (P) for R1 & 2
M/s.R.T.Shyamala for R3



ORDER

This writ petition is filed to call for the records relating to the order in Appeal No.4 of 2021 dated 10.01.2022 on the file of Appellate Tribunal III under Maintenance and Welfare of Parents and Senior Citizens, Karaikal, Government of Puducherry and quash the same.

2. Learned counsel for the petitioner would submit that the petitioner is the adopted son of the third respondent, who gifted a portion of her property i.e., 1224 sq.ft., from and out of the total extent of 00.07.45(HAC), situated at R.S.No.140/4, Patta No.1047(N), No.34, Abirami Amman East Street, T.R.Pattinam, Karaikal in favour of the petitioner with a condition to construct a separate room for her, vide gift deed dated 25.06.2018. In the year 2020, the petitioner visited Bangalore to meet his daughter and at that point of time, by instigation of third parties, the third respondent filed a complaint before the second respondent under Maintenance and Welfare of Parents and Senior Citizens Act, 2007, citing neglect and wanted reconveyance of her property, which was gifted to the petitioner. The said application was dismissed by the second respondent on 02.06.2021 with certain direction, against which, the third respondent preferred an appeal before the first respondent bearing Appeal No.4 of 2021, which was allowed on 10.01.2022. Challenging the appeal order dated 10.01.2022, the petitioner has come forward with the present writ petition.



3. Learned counsel appearing for the third respondent would submit that the first respondent vide order 10.01.2022 directed the second respondent to re-convey the aforesaid gift deed in favour of the third respondent, based on which, the reconveyance was done on 07.02.2022 in Doc.No.3172 of 2022. In pursuance of the said reconveyance, the third respondent has sold the property for valid sale consideration on 12.05.2022 and also received the amount and deposited the same in the fixed deposit of her name.

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

5. There is no dispute on the aspects of execution of gift deed dated 08.04.2018 and a condition to provide a room for the third respondent. The only dispute in regard to the third respondent is that the petitioner has left to Bangalore along with his family to meet his daughter. According to the third respondent, the petitioner has neither informed the said travel nor handed over the house keys to her, that too during the Covid period. During such period, the third respondent was compelled to stay in her relative house. While dealing with this issue, the second respondent has only considered the report of the Tahsildar and the compliance of conditions stipulated in the gift deed, but the first respondent herein considered the aspect of petitioner's visit to Bangalore



without informing to the third respondent and the failure to hand over the house keys to her, that too during the sensitive period of Covid-19. Moreover, the petitioner also not in a position to assign the reason for locking the door during the period of Covid-19 and not permitting the third respondent to enter into the house. Thus, the first respondent passed an order dated 10.01.2022 to re-convey the property in favour of third respondent. Accordingly, the same was done on 07.02.2022. Pursuant to which, the third respondent has sold the property for valid sale consideration on 12.05.2022. Therefore, the order passed by the first respondent dated 10.01.2022 does not warrant any interference by this Court and the same is liable to be confirmed. Accordingly, the same is hereby confirmed.

6. In the result, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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

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