



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-06-2026

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 22259 of 2026 and WMP.No.24155 of 2026

M.Rasambal

Petitioner(s)

Vs

1. The District Collector/
Appellate Tribunal Chairman , Office of
the District collector, Kallakurichi
district 606301

2.The Sub collector / Sub Divisional
Magistrate
Kallakurichi , Kallakurichi district

3.Sivasankar

Respondent(s)

PRAYER: Petition filed under Article 226 of Constitution of India, calling for the records relating to the order dated 20.02.2026 passed by the 1st respondent in Appeal No. 2050/ A1/ 2025 confirming the order dated 28.08.2025 passed by the 2nd respondent in proceedings No. Mu.Mu. A6/2867/ 2025 quash the same and consequently direct Respondents 1 and 2 to invoke the powers under section 23 of the Maintenance and welfare of Parents and Senior citizens Act 2007 and cancel the settlement deed dated 15.12.2023 registered as Document No. 7629 of 2023 on the file of the Sub Registrar, Chinnasalem, standing in the name of the 3rd respondent

For Petitioner(s): Mr.R.RAJ PRASANNA

For Respondent(s): Mr.M.Sivavarthanam,
Government Counsel for R1 & R2

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself. Since no adverse order is passed against the private respondent, notice to the private respondent is dispensed with.



2. It is the case of the petitioner that out of love and affection, the petitioner has executed a settlement deed in favour of his grandson/3rd respondent vide Settlement Deed dated 15.12.2023, however, his grandson refused to take care of the petitioner, hence, the petitioner filed a representation under the Maintenance of Parents and Senior Citizen Act to the official respondents seeking to take action under Section 23 of the Act. The second respondent vide impugned order dated 20.02.2026 refused to set aside the settlement deed, however ordered payment of maintenance of Rs.4000 to the petitioner by the third respondent. Challenging the said order, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that out of love and affection the petitioner has executed a settlement deed in favour of the third respondent, however, the third respondent refused to take care of the petitioner, hence, seeks to take action under Section 23 of the Act by allowing this writ petition.

4. The learned Government Counsel submitted that 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]* has 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, seeks for dismissal of the writ petition.

5. Heard both sides and perused the materials placed on record. It is useful to 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*]:

“58. 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 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.”

6. In view of the above, the impugned order does not require interference.

It is also relevant to note that the respondents after proper appreciation have directed the third respondent for payment of maintenance of Rs.4000 to the petitioner. The third respondent is directed to pay such maintenance as ordered by the official respondents to the petitioner within a period of three months from today.

7. Accordingly, this writ petition stands disposed of. No costs.

Consequently, connected miscellaneous petition stands closed.

15-06-2026

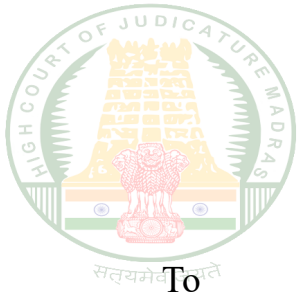
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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