



WEB COPY

WP No. 49877 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-01-2026

CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

**WP No. 49877 of 2025
and
W.M.P.No.55756 of 2025**

T.Lakshmi

Petitioner(s)

Vs

1. The District Collector,
Krishnagiri District, Krishnagiri.

2.The District Revenue Officer,
Krishnagiri District,
Krishnagiri.

3.The Revenue Divisional Officer
Hosur Division, Hosur,
Krishnagiri District.

4.The Tahsildar,
Hosur Taluk, Krishnagiri District.

5.T.Sarala

6.Anandareddy

7.Nemilichand

8.Nemaram Choudhary

9.M.Rajendran

10.A.N.Murugesan

Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the third respondent to cancel the



settlement deed in Doc.No.6538 of 2019 dated 26.07.2019 executed by the petitioner's husband in favour of the fifth respondent under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and further direct the 1 to 4 official respondents to ensure the petitioner's peaceful residence and protection of the petitioner's property rights by considering representation dated 10.11.2025.

For Petitioner: Mr.K.Venkateswaran
assisted by Mr.M.Selvam

For Respondent: Mr.A.M.Ayyadurai
Government Advocate

ORDER

The writ petition is filed with a prayer directing the third respondent, namely the Revenue Divisional Officer, to cancel the settlement deed in Document No.6538 of 2019 dated 26.07.2019, executed by the petitioner's husband in favour of the fifth respondent, under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and further to direct first to fourth respondents to ensure the petitioner's peaceful residence and protection of the petitioner's property rights by considering representation dated 10.11.2025.

2. Upon hearing the learned counsel appearing for the petitioner, the contention of the petitioner is that when the condition of the petitioner's husband was bad and when he was not in a position even to understand what was going on, the fifth respondent, being the daughter, had made the petitioner's



husband execute the settlement deed and thereafter the petitioner's husband and the petitioner were left in the lurch. At present, the petitioner is only occupying the property. Now, the third respondent and others are not even maintaining the petitioner and are also trying to disturb her peaceful possession.

3. Under the said circumstances, the petitioner has made an application under the Act to cancel the settlement deed. Even without conducting any enquiry, the representation has been kept pending. In the meanwhile, the private respondents are trying to interfere with the possession and enjoyment of the petitioner.

4. As far as the third respondent is concerned, he is the authority under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and can entertain petitions strictly as per the Act. Under the Act, any senior citizen who, after the commencement of the Act, has transferred property by way of gift or otherwise can approach the third respondent for cancellation of such gift or settlement under Section 23 of the Act. In this case, firstly, the petitioner is not a senior citizen, as she is only 58 years of age. Secondly, she did not transfer or gift her property after the commencement of the Act. Therefore, she cannot approach the third respondent under Section 23 of the Act and the prayer made in the representation dated 10.11.2025 cannot be considered.



5. The learned Government Advocate appearing for the first to fourth respondents would submit that it is open for the petitioner to approach the third respondent as a parent claiming maintenance. If that be so, let a separate application be made and the same shall be considered in accordance with law.

6. This Court is not expressing any opinion in respect of the same. As far as possession is concerned, if it is disturbed by the private respondents or any other persons otherwise than by due process of law, the remedy lies before the Civil Court and not before the third respondent or any other official respondents or before this Court under Article 226 of the Constitution of India. Therefore, by keeping open the liberty of the petitioner to approach the third respondent in respect of any prayer relating to maintenance or to approach the competent Civil Court both for maintenance as well as for possession, this writ petition stands *disposed of*. Since the petitioner is said to be an aged person, needless to state that as and when the petitioner approaches the appropriate forum, the forum shall do well to consider the request as early as possible. Consequently, connected miscellaneous petition is closed. No costs.

02-01-2026

Neutral Citation: Yes/No
nsl



To

1. The District Collector,
Krishnagiri District, Krishnagiri.
2. The District Revenue Officer,
Krishnagiri District,
Krishnagiri.
3. The Revenue Divisional Officer
Hosur Division, Hosur,
Krishnagiri District.
4. The Tahsildar,
Hosur Taluk, Krishnagiri District.



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D.BHARATHA CHAKRAVARTHY J.

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