



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-01-2026

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No. 50072 of 2025

S.Krishnan(Senior Citizen)

..Petitioner(s)

Vs

1. The District Collector ,
Thiruvannamalai District
Thiruvannamalai
2. The Revenue Divisional officer,
Arani Taluk,
Thiruvannamalai District
3. Adhimoolam

..Respondent(s)

Prayer: Writ Petition under Article 226 of the Constitution of India is filed for the issuance of Writ of Mandamus, to direct the 1st respondent to cancel the settlement deed vide Document No. 3822 of 2022 executed by the petitioner in favour of the 3rd respondent by consider and dispose his appeal dated 7.08.2025.

For Petitioner(s):

Mr.P.Karunamoorthy

For Respondent(s):

Mr.A.M.Ayyadudrai, GA for R1 & R2

ORDER

This Writ Petition is filed for issuance of writ of mandamus directing the 1st respondent to cancel the settlement deed vide Document No. 3822 of 2022 executed by the petitioner in favour of the 3rd respondent by consider and dispose his appeal dated 7.08.2025 filed before the 1st respondent.



2. The petitioner filed an application under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens (MWPSC) Act, 2007, which was rejected by the 2nd respondent. Against this rejection order, the petitioner preferred an appeal before the 1st respondent, the District Collector. The present prayer is for a direction to the 1st respondent to dispose of the aforementioned appeal.

3. On a perusal of the original petition before the 2nd respondent, as well as the appeal before the 1st respondent, it is the petitioner's allegation that his son fraudulently induced him, a senior citizen, to attend the Sub-Registrar's Office, Kadaladi, and execute a settlement deed in his son's favour. The petitioner contends that his son made him believe that the document was merely a mortgage deed intended for securing an agricultural loan. The petitioner asserts that he was subsequently cheated, and that the settlement deed was registered in favour of his son through fraud.

4. The purpose of the Maintenance and Welfare of Parents and Senior Citizens (MWPSC) Act, 2007, is to provide a legal framework for the maintenance of senior citizens and parents. Senior citizens and parents can primarily approach the authorities under Section 5 of the Act to seek a grant of monthly maintenance. Apart from this standard remedy, the Act provides an extraordinary mechanism under Section 23. This section applies when senior citizens or parents settle property (after the Act commenced) with the implicit



condition that the children or the transferee/settlee will provide maintenance and care to the senior citizen. If this condition is not fulfilled, the Act deems the transaction itself void due to presumed fraud or undue influence, granting power to the designated Tribunal, the 2nd respondent Revenue Divisional Officer (RDO), to cancel the settlement deed.

5.The said legal positions has also been categorically laid down by the Hon'ble Supreme Court of India in the case of *Sudesh Chhikara v. Ramti Devi & another*, reported in *2022 SCC OnLine SC 1684*

6.In the present case, the petitioner's allegations are centred on fraud and undue influence. Such allegations must be adjudicated by a Civil Court. Therefore, the prayer in this writ petition cannot be adjudicated and accordingly, the petition is **disposed of** with liberty preserved for the petitioner to approach the appropriate Civil Court to pursue these allegations. Given that the petitioner is a senior citizen, the Civil Court shall make every endeavour to take up and dispose of the suit as expeditiously as possible once it is filed. No costs.

05-01-2026

Neutral Citation: Yes/No

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D.BHARATHA CHAKRAVARTHY, J.

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To

1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2.The Revenue Divisional officer,
Arani Taluk,
Thiruvannamalai District.

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