



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2026

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CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

**WP No. 755 of 2026and
W.M.P.No.942 of 2026**

G.Papathi

Petitioner

Vs

1. The District Collector,
Salem District, Salem.

2.The Sub Collector
Mettur, Salem District.

3.Senthilkumar

4.Venkateshkumar

5.Suganthi

Respondents

For Petitioner: Mr.M.Selvam

For Respondents: Mr.A.M.Ayyadurai
Government Advocate for R1 & R2

ORDER

Today, the matter is listed under the caption “For Being Mentioned”.

2. It is submitted by the learned counsel for the petitioner that in the cause title portion of the order W.M.P Number has been wrongly mentioned. Hence, the same is corrected as follows:

“W.M.P.No.942 of 2026”



3. Hence, the Registry is directed to carryout necessary correction and issue the corrected order copy to the parties.

17-02-2026

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WP No. 755 of 2026



D.BHARATHA CHAKRAVARTHY J.

ep

WP No. 755 of 2026

17-02-2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-01-2026

CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

**WP No. 755 of 2026
and
W.M.P.No.934 of 2026**

G.Papathi

Petitioner

Vs

1. The District Collector,
Salem District, Salem.

2.The Sub Collector
Mettur, Salem District.

3.Senthilkumar

4.Venkateshkumar

5.Suganthi

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the entire records pertaining to the issuance of order of the second respondent dated 24.09.2025 Mu.Mu.726/2023/u confirmed by the order passed by the first respondent in proceeding Na.Ka.No.e-2253984/2024/C4 dated 24.09.2025 and quash the same as illegal, Consequently direct the second respondent to cancel the Settlement deed Document No. 9994 of 2021 on the file of Sub Registrar, Omalaur dated 19.11.2021.

For Petitioner: Mr.M.Selvam

For Respondents: Mr.A.M.Ayyadurai
Government Advocate for R1 & R2



ORDER

The writ petition is filed challenging the impugned order dated 24.09.2025 in Na.Ka.No.e-2253984/2024/C4 passed by the first respondent and to quash the same and consequently direct the second respondent to cancel the Settlement deed in Document No. 9994 of 2021 on the file of Sub Registrar, Omalaur dated 19.11.2021.

2. Upon hearing the learned Counsel for the petitioner and perusing the material records of the case, it can be seen that the petitioner is aggrieved by the settlement deed executed by her in respect of her property. It is the case before the second respondent in the original petition that her son played fraud on her and she was made to execute a settlement deed in favour of her grandson. She never knew that such a document was being extracted from her. In the said backdrop, considering the nature of the allegations made and further considering the fact that the petitioner is receiving a family pension after the death of her husband, who was a Government servant, the petition was dismissed and the same was also confirmed by the District Collector, as against which the writ petition is filed.

3. The learned Counsel for the petitioner would submit that the petitioner is now being thrown out of the property otherwise than by due process of law.



The family members are also harassing and humiliating the petitioner at this age.

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4. I have considered the submissions made on behalf of the petitioner and perused the material records of the case.

5. A reading of Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and after considering the judgment of the Hon'ble Supreme Court in *Sudesh Chhikara vs. Ramti Devi & another reported in 2022 SCC Online SC 1684*, it can be seen that in order to invoke Section 23 of the Act, the following conditions are essential:

(i) Firstly, the property should have been settled after the commencement of the Act, expecting the beneficiary or the family members to maintain the senior citizen and thereafter the person should have failed in their duty to maintain.

(ii) Upon such failure, the transaction is deemed to be null and void and the authorities are granted power to declare the same and cancel the settlement deed.



6. Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, does not enable the Sub Collector or the District Collector to function as a Civil Court to decide questions of fraud, undue influence, coercion, etc., alleged to have been perpetrated on the petitioner. Therefore, it will be open for the petitioner to approach the Civil Court if the petitioner wants to contend that fraud was played on her to make her execute the settlement deed. Similarly, if the petitioner contends that the family pension is not enough and she wants enhanced maintenance, it will be open for her to approach the second respondent or the Civil Court, as she chooses. Even if the petitioner contends that she was in settled possession of the property and is being suddenly thrown out except by due process of law, it will again be open for the petitioner to approach the Civil Court for appropriate relief along with such interim relief as may be necessary.

7. Keeping open all the liberties to the petitioner, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

09-01-2026

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Neutral Citation: Yes

ns1



WP No. 755 of 2026



To

1. The District Collector,
Salem District, Salem.

2. The Sub Collector
Mettur, Salem District.



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WP No. 755 of 2026



**D.BHARATHA
CHAKRAVARTHY J.**

ns1

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