



W.P.(MD)No.776 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.06.2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

**W.P(MD) No. 776 of 2026
and
W.M.P(MD)Nos.641 and 642 of 2026**

Packiyam

.. Petitioner

- Vs. -

1. The Chairperson Cum District Collector,
Appellate Tribunal Under the Maintenance
and Welfare of Parents and Senior Citizens,
District Collectorate Office,
Madurai District.
2. The Revenue Divisional Officer
Cum Presiding Officer,
For Tribunal Under the Maintenance
and Welfare of Parents and Senior Citizen,
Melur,
Madurai District.
3. Sekar
4. Selvi
5. Revathi
6. Rajeshwari
7. Jeyabharathi
8. Aarthi

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9. Mahalakshmi

10. Minor.Santhiya

11. Minor.Nithin

12. Amutha

13. Shanmugapriya

14. Nanthini

... Respondents

(Respondents 10 and 11 are rep. by their natural guardian 6th respondent)

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari call for the records pertaining to the Impugned Order in Moo.Mu.No.7778/2023/C dated 17.05.2024 passed by the 2nd respondent and quash the same as illegal.

For Petitioner(s) : Mr.R.Ponkarthikeyan

For Respondent(s) : Mr. R.Ramasamy

Government Advocate for R1 and R2

:Mr.A.B.Prabhakar for R3, R12 to R14

:Mr.S.Manohar for R4

:Mr.M.Ponniah for R5

:Mr.S.Muruga Ganesan for R6, R9 to R11



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ORDER

The petitioner challenges the order dated 17.05.2024 passed by the second respondent, whereby the settlement deed dated 05.02.2009 executed by the petitioner's deceased mother, Malaiayee, was cancelled.

2. During her lifetime, the petitioner's mother filed a petition under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, seeking cancellation of the settlement deed executed in favour of the petitioner in respect of 1 acre and 47 cents of land comprised in Survey Nos.538/2B and 538/7A, situated at Narasingampatti Village, Madurai North Taluk.

3. The petition was filed on the ground that the petitioner had failed to provide for her physical needs and maintenance. Upon hearing the parties who appeared before him, the second respondent passed the impugned order.



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4. Learned counsel for the petitioner submitted that the impugned order was passed without issuing notice to the petitioner and without affording an opportunity of hearing. It was therefore contended that the order is in violation of the principles of natural justice.

5. Per contra, learned counsel appearing for the private respondents submitted that the notice issued to the petitioner was deliberately avoided and was consequently returned unserved. He further contended that no prejudice had been caused to the petitioner, as the petitioner had failed to maintain his mother. In the absence of any illegality in the impugned order, no interference is warranted.

6. It was also submitted that the petitioner had preferred an appeal under Section 16 of the Act before the District Collector and, therefore, the present writ petition, without challenging the appellate order, is not maintainable.

7. Learned Government Advocate appearing for respondents 1 and 2 supported the impugned order passed by the second respondent.



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8. This Court heard the learned counsel appearing on either side and perused the materials available on record.

9. A perusal of the impugned order reveals that the notice issued to the petitioner had not been served. In such circumstances, it was incumbent upon the second respondent either to direct the petitioner's mother to take out fresh notice or, alternatively, to effect service through publication in a daily newspaper. No such course was adopted. Consequently, the petitioner was denied an opportunity of hearing and was deprived of the chance to establish that he had not neglected to maintain his mother during her lifetime.

10. Learned counsel for the respondents produced a photocopy of the order dated 19.10.2024 passed by the District Collector in the appeal allegedly filed by the petitioner under Section 16 of the Act.

11. The said order, originally in the vernacular language, has been orally translated into English. It discloses that the appeal was dismissed



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on the ground that only a senior citizen could maintain an appeal under Section 16 and not an aggrieved person. Such a view is contrary to the statutory provision. Section 16 permits an appeal to be preferred not only by a senior citizen but also by an aggrieved person. Consequently, the appellate order lacks statutory authority and has no legal effect.

12. It has also been brought to the notice of this Court that the petitioner's mother has since passed away. In such circumstances, no useful purpose would be served by remanding the matter to the second respondent for fresh consideration under Section 23 of the Act. It is further stated that the property covered by the settlement deed is also the subject matter of O.S. No.16 of 2012 filed by the petitioner's two brothers, which is presently pending.

13. In view of the foregoing discussion, the impugned order dated 17.05.2024 passed by the second respondent in Proceedings No. Moo.Mu.No.7778/2023/C cannot be sustained in law and is accordingly set aside. The Writ Petition is allowed. The parties are at liberty to work out and establish their respective rights before the competent civil court



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in the pending suit.

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14. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Index :Yes / No
NCC :Yes / No
PJJ

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HEMANT CHANDANGOUDAR, J.

PJL

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