



*W.P(MD)No.10162 of 2026*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2026

CORAM

**THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR**

**Writ Petition(MD)No.10162 of 2026**

**and**

**W.M.P(MD)Nos.8007 & 8008 of 2026**

1.V.Chennammal  
2.V.Mahendran  
3.V.Surendran

.. Petitioners

Vs

1.The Sub Collector,  
Sub Collector Office,  
Periyakulam,  
Theni District.

2.V.Kubendran

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records relating to the impugned proceedings in Na.Ka.No. 681/2026/A4 dated 11.03.2026 on the file of the first respondent and quash the same.

For Petitioner : Mr.D.Muruganantham

For Respondents : Mr.M.Mahaboob Athiff  
Govt. Advocate for R1

Mr.J.Selvam for R2



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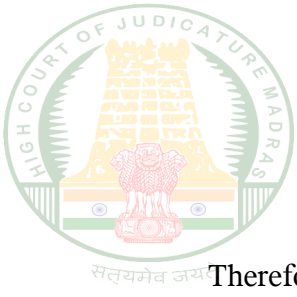
**ORDER**

The petitioner challenges the notice dated 11.03.2026 issued by the first respondent in proceedings purportedly initiated under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

2.The facts disclose that the second respondent, who is the son of the first petitioner, filed a petition before the first respondent seeking cancellation of the settlement deed executed by the first petitioner in favour of her children. The grievance of the second respondent is that the settlement deed was executed without partition and in a clandestine manner, thereby depriving him of his alleged rights in the property.

3.Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 provides that where a senior citizen transfers property by way of gift or otherwise, subject to the condition that the transferee shall provide basic amenities and basic physical needs to the transferor, and the transferee fails to do so, the transfer shall be deemed to have been made by fraud, coercion or undue influence and may, at the option of the transferor, be declared void by the Tribunal.

4.In the present case, the second respondent is neither the transferor of the property nor a senior citizen. The remedy under Section 23 is available only to the senior citizen-transferor in the circumstances contemplated under the provision.



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Therefore, the petition filed by the second respondent under Section 23 is not maintainable. Once the application itself is not maintainable, the notice issued by the first respondent based on such application is without jurisdiction and statutory authority.

5.Accordingly, the writ petition is allowed and the impugned notice dated 11.03.2026 is quashed. However, liberty is reserved to the second respondent to work out his rights, if any, before the competent civil court in the manner known to law.

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

**11.06.2026**

NCC : Yes/No

Index : Yes/No

Internet:Yes

skn

To

1.The Sub Collector,  
Sub Collector Office,  
Periyakulam,  
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**HEMANT CHANDANGOUDAR, J.**

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