



W.P(MD)No.15902 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2026

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THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.(MD)No.15902 of 2026

and

W.M.P(MD)No.11919 of 2026

Jegan Raj

... Petitioner

vs.

- 1.The District Collector / Presiding Officer,
Appellate Tribunal,
Maintenance and Welfare of Parents and
Senior Citizens Act,
Tuticorin.
- 2.The Revenue Divisional Officer/Presiding Officer,
Tribunal for
Maintenance and Welfare of Parents and Senior
Citizens Act,
Tuticorin.
- 3.The Sub Registrar,
Office of the Sub Registrar,
Srivaikkundam Taluk,
Thoothukudi District.

4.Selvaraj

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records relating to the impugned order passed by the 2nd respondent vide his proceedings in Moo.Mu.AA1/829/2026 dated 15.04.2026 and to quash the same as arbitrary and ultravires.



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For Petitioner :Mr.V.Shabthakiri Raja

For Respondents :Mr.S.Sivasubramaniam
Govt. Advocate for R1 to R3
Mr.N.Gurusamy for R4

ORDER

The petitioner challenges the order dated 15.04.2026 passed by the second respondent cancelling the settlement deed executed by the fourth respondent in favour of the petitioner.

2.The fourth respondent had allegedly filed a petition under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, seeking cancellation of the settlement deed on the ground that the petitioner had failed to provide him with the physical needs and basic amenities as required under the settlement deed.

3.The second respondent allowed the petition, and the order was confirmed by the first respondent. Challenging those orders, the petitioner filed W.P.(MD) No. 26993 of 2022. By order dated 21.08.2025, this Court set aside the orders and remanded the matter to the second respondent for fresh consideration after giving an opportunity of hearing to all concerned.

4.After remand, the second respondent again passed the impugned order, which is under challenge in the present writ petition.



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5.Heard the learned counsel appearing on either side.

6.A perusal of the impugned order shows that the second respondent did not record the statement of the fourth respondent. Instead, only the statement of his wife was recorded, wherein she stated that the petitioner had failed to provide the physical needs and amenities to the fourth respondent.

7.Before this Court, the fourth respondent, through his counsel, has categorically stated that he never filed any petition under Section 23 of the Act seeking cancellation of the settlement deed. He has further stated that the petitioner has been taking proper care of him by providing all necessary physical needs and amenities, and therefore, there was no reason for seeking cancellation of the settlement deed.

8.It therefore appears that the proceedings under Section 23 were pursued by the wife of the fourth respondent and not by the fourth respondent himself, who had executed the settlement deed.

9.In view of the categorical statement made by the fourth respondent and the admitted fact that his statement was never recorded before passing the impugned order, this Court is of the view that the order of the second respondent cannot be sustained in law.



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10. Accordingly, the writ petition is allowed. The impugned order dated 15.04.2026 passed by the second respondent is set aside. Consequently, the petition filed under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, stands dismissed.

11. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No

24.06.2026

skn

To

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