



W.P.(MD)No.18194 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.03.2026

CORAM

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.(MD)No.18194 of 2024

and

W.M.P.(MD)Nos.15510 and 15516 of 2024

J.Saravanan

... Petitioner

vs.

1.The District Collector,
Madurai Collectorate Office,
Madurai District.

2.The Revenue Divisional Officer,
Revenue Divisional Office, Madurai District.

3.Jeyaraman

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the impugned proceedings of the 1st respondent in Mu.Mu.No. 370398/2022/C6 dated 05.02.2024 and quash the same as illegal.

For Petitioner	:Mr.M.Vivekanandan
For R1 and R2	:Mr.S.S.Madhavan
	Additional Government Pleader
For R3	:Mr.P.Santhana Krishnan



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ORDER

The petitioner is before this Court seeking issuance of a Writ of Certiorari to quash the order dated 05.02.2024 passed by the first respondent.

2. By the impugned order, the petitioner has been directed to pay a sum of Rs.5,000/- per month towards maintenance to the third respondent and also to permit the third respondent to reside with the petitioner.

3. The facts in brief are that the third respondent had executed a registered sale deed dated 20.10.2002 in favour of the petitioner's daughters, conveying certain immovable property. Subsequently, the third respondent filed a complaint under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, seeking cancellation of the said sale deed on the ground that the petitioner had failed to maintain him. The said complaint was dismissed by the second respondent. However, on appeal, the first respondent passed the impugned order.



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4. Heard the learned counsel appearing on either side and perused the materials available on record.

5. Admittedly, the sale deed in question was executed in the year 2002, whereas the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 came into force only on 29.12.2007. Therefore, the provisions of the said Act, particularly Section 23, cannot be invoked to invalidate or interfere with a transaction that was completed prior to the coming into force of the Act. Further, the sale deed is stated to be for valid consideration and does not fall within the ambit of Section 23 of the Act.

6. However, the first respondent, while exercising appellate jurisdiction, has directed the petitioner to pay monthly maintenance and also to permit the third respondent to reside with him. Insofar as the direction relating to residence is concerned, it is seen that the third respondent is not residing in the property conveyed to the petitioner's daughters. Therefore, the direction compelling the petitioner to



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accommodate the third respondent in the said property is not legally sustainable.

7. As regards maintenance, it is submitted by the petitioner that the third respondent is a pensioner receiving a sum of approximately Rs. 30,000/- per month. It is also stated that the petitioner has been paying a sum of Rs.5,000/- per month towards maintenance and is willing to enhance the same. Considering the facts and circumstances of the case, this Court is of the view that enhancement of the maintenance amount would meet the ends of justice.

8. Accordingly, this Writ Petition is partly allowed and the impugned order dated 05.02.2024 passed by the first respondent is modified as follows:

“The petitioner shall pay monthly maintenance of Rs.10,000/- to the third respondent from 01.04.2026 till his lifetime.”



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9. The direction requiring the petitioner to permit the third respondent to reside with him stands set aside.

10. No costs. Consequently, the connected miscellaneous petitions are closed.

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

23.03.2026

cmr

To

1.The District Collector,
Madurai Collectorate Office,
Madurai District.

2.The Revenue Divisional Officer,
Revenue Divisional Officer, Madurai District.



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HEMANT CHANDANGOUDAR, J.

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