

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-06-2026

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P.No.39823 of 2024

and

W.M.P.Nos.43155 & 43156 of 2024

Renuga,
W/o R.Ravi,
No.3/54, Alamarathur, Kongal Nagaram,
Udumalpet Taluk 642 205.

..Petitioner

Vs

1. Appellate Authority Cum,
The District Collector, Tiruppur District,
Tiruppur.
2. The Revenue Divisional Officer,
Udumalpet, Tiruppur District.
3. Rajeshwari, W/o.Late Balu,
No.3/54, Alamarathur, Kongal Nagaram,
Udumalpet Taluk 642 205.
4. Sathya, D/o.Late Balu,
Door No.6/36, Pappanan Nagar,
Kongu Main Road, Tiruppur -7.

..Respondents

PRAYER: Writ Petition filed under Articles 226 of the Constitution of India seeking for a Writ of Certiorari to call for the records relating to impugned order dated 12/08/2024 passed by the 1st respondent in Muu.Mu.No.982 /2024 /E1, quash the same.

For Petitioner:

Mr.J.Aravind

For Respondents:

Mr.M.Sivavarthanan, Govt. Counsel for RR 1 & 2
Mr.R.Rajkumar for RR 3 & 4



ORDER

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Seeking to quash the impugned order, dated 12/08/2024 passed by the 1st respondent in Muu.Mu.No.982 /2024 /E1, the present writ petition has been filed by the petitioner.

2. Learned counsel appearing for the petitioner would submit that the petitioner is the elder daughter of the third respondent. The fourth respondent is the sister of the petitioner and the younger daughter of the third respondent. Due to love and affection, the third respondent/ mother executed a Settlement Deed in favour of the petitioner vide document No.9547 of 2019 dated 12.11.2019 and subsequently, the third and fourth respondents executed the Release Deed vide Doc.No.9546 of 2019 on 05.11.2019 after receipt of the consideration. Subsequently, the petitioner executed the settlement deed in favour of her husband on 12.11.2019 vide Document No.9770 of 2019 on the file of SRO, Udumalpet.

3. However, the third respondent/mother made a complaint before the second respondent under the Maintenance and the Welfare of Parents and Senior Citizens Act, 2007 for cancellation of Settlement Deed executed vide document No.9547 of 2019 dated 12.11.201, in which, the second respondent



refused to cancel the Settlement Deed but imposed maintenance amount of Rs.5000/- each to be paid by the petitioner as well as the fourth respondent to the third respondent. Aggrieved against the same, the third respondent preferred an appeal before the first respondent. The first respondent set aside the order passed by the second respondent and cancelled the Settlement Deed executed vide document No.9547 of 2019 dated 12.11.2019 and confirmed the maintenance amount imposed by the second respondent. Challenging the same, the present writ petition is filed by the petitioner.

4. The issue involved in the present Writ Petition is no longer *res integra* as the similar issue has already been decided by the Full Bench of this Court in ***Sasikala Vs. Revenue Divisional Officer and another*** reported in **2022 SCC online Mad 4343**, wherein, it has been categorically held that in the absence of a condition incorporated in the deed, the power under Section 23(1) cannot be exercised and further held that when a settlement deed is executed, the same cannot be cancelled unilaterally.

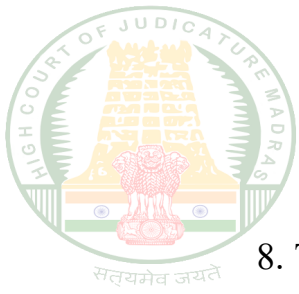
5. Per contra, the learned counsel appearing for the third respondent submitted that the third respondent/ mother executed the Settlement Deed in favour of the petitioner only on the condition that the petitioner agreed to take care of the third respondent continuously. However, the petitioner refused to take care of the third respondent. As a result of which, the third respondent



made a complaint before the second respondent on the ground that there is violation of the conditions of the Settlement Deed. According to the learned counsel, though the main grievance of the petitioner was not properly adjudicated by the second respondent, however, the second respondent awarded the maintenance amount of Rs.5,000/- to be paid by both the petitioner as well as the fourth respondent to the third respondent. However, on appeal the first respondent appreciated the facts and cancelled the execution of Settlement Deed, which according to the learned counsel, cannot be interfered with and accordingly, he prayed for dismissing the writ petition. He also submitted that in the event of this Court setting aside the order passed by the 1st respondent, the learned counsel for the third respondent submitted that this Court may fix a reasonable amount as monthly maintenance payable by the petitioner as well as the fourth respondent.

6. Further the learned counsel for the third respondent submitted that pursuant to the appeal made by the third respondent, the first respondent/District Collector visited the residential premises of the petitioner and found out the third respondent was forced to reside in the poultry farm of the petitioner. Accordingly, the learned counsel prayed for dismissing this writ petition.

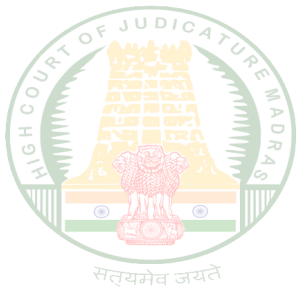
7. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents and perused the materials placed before this Court.



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8. The issue involved in the present Writ Petition is no longer *res integra*, in view of the judgment of the Hon'ble Full Bench of this Court in **Sasikala's** case, as referred to supra, wherein it has been held that the power under Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 can be exercised only if the transfer of property has been made subject to the condition that the transferee shall provide basic amenities and physical needs to the transferor and such condition has been violated. In the absence of such a condition in the deed of transfer, the authorities functioning under the Act have no jurisdiction to annul or cancel the transfer. The relevant portion with regard to unilateral cancellation is extracted hereunder;

“46.The writ petition in W.P. (MD) No. 6889 of 2020 is filed by the daughter of the second respondent to quash the order passed by the first respondent under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act 2007. The gift deed executed by the second respondent in favour of the writ petitioner was unilaterally cancelled by the second respondent father. The settlement deed stated to have been executed by the second respondent, dated 06.03.2015 is irrevocable and it is a deed of settlement out of love and affection. The second respondent has specifically stated that he has no right to revoke the settlement deed. From the recitals, the settlement does not attract Section 126 of Tamil Nadu Property Act. It is seen that the settlor viz., the second



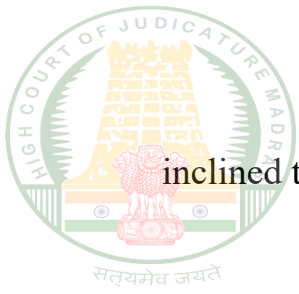
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respondent, has not put any condition. **In other words, the gift deed is not subject to any condition or terms that the transferor shall provide the basic amenities and basic physical needs to the second respondent. In such circumstances, this Court is of the view that there is no scope for invoking the power provided to the second respondent under Section 23 of the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Act, 2007.** Therefore, the order impugned is liable to be quashed. Even though we agree that the writ petition can be allowed, this Court is unable to decide the writ petition in this batch where question referred to us is different. Hence, the writ petition in W.P. (MD) No. 6889 of 2020 is de-linked and the Registry is directed to list the matter before the appropriate Bench.”
[Emphasis supplied]

9. In the case on hand, a perusal of the settlement deed dated 12.11.2019, does not disclose any condition requiring the petitioner to maintain the executant as a pre-condition for transfer of the property. Therefore, the essential requirement for involving Section 23(1) of the Act is absent. Consequently, the first respondent could not have exercised the power of cancellation under the Act.

10. In view of the above settled legal position, the impugned proceedings of the first respondent in Muu.Mu.No.982 /2024 /E1, dated 12.08.2024, is liable to be set aside. However, for the interest of the third respondent, this Court is



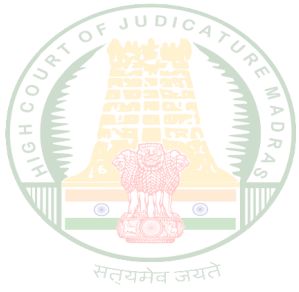
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inclined to issue the following directions:

- (i) The petitioner and the fourth respondent are directed to pay Rs.7,500/- each, as monthly maintenance on or before 7th day of every month to the third respondent;
- (ii) The petitioner is directed to settle the arrears, if any, in favour of the third respondent within a period of two(02) weeks from the date of receipt of a copy of this order at the rate of 5% interest to the same.
- (iii) The petitioner is directed to provide shelter to the third respondent at her house, by allotting a portion of the house for the third respondent, and such arrangements to be made ready at the house of the petitioner, within a period of four(04) weeks from the date of receipt of a copy of this order.
- (iv) The local jurisdictional police/ the Inspector of Police, Udumalpet is required to ensure the provision of decent shelter to the third respondent by the petitioner. If the petitioner does not provide shelter to the third respondent, then, he is directed to take appropriate action as per the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and other Senior citizen protection laws.
- (v) It is also made clear that the trial Court is directed to decide the Civil Suit pending in O.S.No.400 of 2023, on the file of Sub Court



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Udumalpet, without being influenced with any of the observations made in this order or the order passed by the District Collector.

10. Accordingly, the Writ Petition is disposed of in the above terms.

There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

23-06-2026

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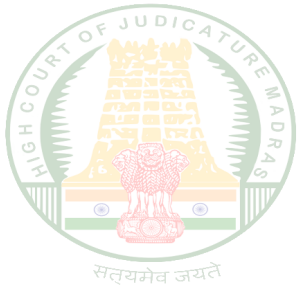
Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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M.DHANDAPANI J.

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