



W.P(MD)No.13595 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.13595 of 2026

and

W.M.P(MD)No.10119 of 2026

Devika

... Petitioner

Vs

1.The District Collector,
District Collectorate,
Tiruchy District.

2.The Revenue Divisional Officer,
Musiri Taluk,
Tiruchy District.

3.The Sub Registrar,
Thathaiyangarpettai,
Jambumadai Village,
Tiruchy District.

4.The District Registrar,
Registration Department,
Tiruchy District.



W.P(MD)No.13595 of 2026

WEB COPY 5.A.Selvaraj

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari calling for the records pertaining to the impugned order dated 18.11.2025 passed by the first respondent in proceedings Na.Ka.No.G1/359918/2025 and quash the same as arbitrary and illegal.

For Petitioner : Mr.K.Rajeshwaran

For Respondents : Mr.M.Mahaboob Athiff (R1 to R4)
Special Government Pleader

: Mr.K.Prakash (R5)

ORDER

This Writ Petition has been filed seeking the issuance of a Writ of Certiorari to call for the records pertaining to the impugned order dated 18.11.2025 passed by the first respondent and to quash the same as arbitrary and illegal.

2.The learned counsel appearing for the petitioner submitted that the petitioner is the daughter of the fifth respondent. The fifth respondent executed a settlement deed in favour of the petitioner vide Document No.86



W.P(MD)No.13595 of 2026

of 2021, dated 19.01.2021. Subsequently, alleging that the petitioner had failed to maintain and take care of him, the fifth respondent preferred an application before the second respondent seeking cancellation of the settlement deed under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The second respondent, by order dated 27.01.2023, declined to cancel the settlement deed and directed that the petitioner shall not interfere with the peaceful possession and enjoyment of the property by the fifth respondent during his lifetime. Aggrieved by the said order, the fifth respondent preferred an appeal before the first respondent. The first respondent, by the impugned order dated 18.11.2025, allowed the appeal and cancelled the settlement deed. Challenging the said order, the present Writ Petition has been filed.

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

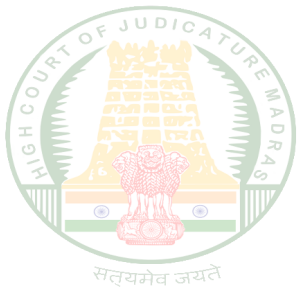


W.P(MD)No.13595 of 2026

WEB COPY

4.The issue involved in the present Writ Petition is no longer res integra. The Hon'ble Full Bench of this Court in ***Sasikala v. Revenue Divisional Officer and another***, reported in ***2022 SCC OnLine Mad 4343***, has categorically held that a settlement deed cannot be annulled under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, unless the transfer was made subject to a condition requiring the transferee to provide the transferor with basic amenities and basic physical needs. The relevant observations are extracted below:

"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 dated 06.03.2015 is irrevocable and has been executed 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 the Transfer of Property Act. The settlor has not imposed any



W.P(MD)No.13595 of 2026

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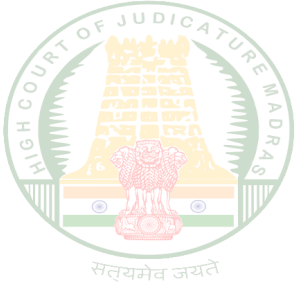
[Emphasis supplied]

5.In the light of the law laid down by the Hon'ble Full Bench in Sasikala (supra), the impugned proceedings dated 18.11.2025 passed by the first respondent cannot be sustained and are liable to be set aside.

6.Accordingly, the impugned proceedings dated 18.11.2025 passed by the first respondent are set aside. Consequently, the order of the second respondent dated 27.01.2023 is restored. The Writ Petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

04.08.2026

NCC : Yes / No
Index : Yes / No
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W.P(MD)No.13595 of 2026

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W.P(MD)No.13595 of 2026

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W.P(MD)No.13595 of 2026

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