



WP(MD) No.19001 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2025

CORAM

THE HONOURABLE MR JUSTICE C. SARAVANAN

WP(MD) No.19001 of 2025

1. Jesmine Farshana

2. Sahitha Hishna (Minor)

(The second petitioner is represented by
her mother first petitioner)

Petitioner(s)

Vs

1.The District Collector,
Thoothukudi District.

2.The Revenue Divisional Officer,
Thirchendur,
Thoothukudi District.

3.The Sub Registrar,
Murappanaadu,
Thoothukudi District.

4.S.M.Farook,
S/o.Seiyad Mohamed,
900, Nabilamanzil,
40 Feet Road, Rahmad Nagar,
Palayamkottai
Tirunelveli District.

Respondent(s)



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For Petitioner:

Mr.P.Edin Brough

For R1 and R2:

Mr.C.Satheesh,
Government Advocate.

For R3:

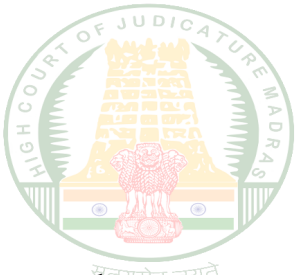
Mr.S.Shaji Bino,
Special Government Pleader

PRAYER: Writ Miscellaneous Petition filed under Article 226 of the Constitution of India to grant an order to issue Writ of Certiorari, to call for the records of the Impugned order passed by the 2nd respondent in his proceedings in Pa.Mu.A1/5925/2023 dated 12.02.2025 quash the same.

ORDER

The petitioner are the wife and minor daughter of the fourth respondent. It appears that there is a matrimonial dispute between the first petitioner and the fourth respondent. The fourth respondent had earlier settled the property in favour of the petitioners by document Nos.1688 of 2011 and 1689 of 2011 dated 09.05.2011.

2. However, in view of the marital dispute in between the first petitioner and the fourth respondent, the fourth respondent has initiated the proceedings under



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the provisions of Maintenance of Parents and Senior Citizen Act, 2006 before the second respondent. The second respondent by way of the impugned order, dated 12.02.2025 bearing reference No.Pa.Mu.A1/5925/2023 has cancelled the above mentioned two settled deeds.

3. Although it is submitted by the learned counsel for the official respondents that the petitioner has an alternate remedy, it is noticed that the Division Bench of this Court has taken a view in W.P(MD) No.29988 of 2019, vide order dated 19.02.2021 has held that an appeal under Section 16(1) of the Act is not maintainable against such an order even at the instance of senior citizen / parent. Similar view also taken by this Court in W.P(MD) No.5276 of 2020 vide order, dated 02.01.2022. Similar Writ Petition has been admitted and are to be listed together.

4. Considering the same, this case has to be disposed of together with the cases that are already pending before this Court challenging the cancellation of the settlement deed. Since, the matter would require some detailed consideration along with batch, post the matter on 14.08.2025.

5. There shall be an interim stay as prayed for till then.



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6. Issue notice to the fourth respondent returnable by 14.08.2025. Private notice is also permitted.

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14/07/2025

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/07/2025
Sub-Assistant Registrar (C.S.-I/ II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Indu
To

1.The District Collector,
Thoothukudi District.

2.The Revenue Divisional Officer,
Thirchendur,
Thoothukudi District.

3.The Sub Registrar,
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Thoothukudi District.

+1 CC to M/s.P.EDIN BROUGH, Advocate (SR-7502[I] dated 14/07/2025)



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ORDER
IN
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PS/SAR.25.07.2025 5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023