



W.P.(MD)No.19172 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.19172 of 2026

and

W.M.P.(MD)Nos.14151 & 14152 of 2026

Thirumalairajan

... Petitioner

-vs-

1.The Revenue Divisional Officer cum
The Chairman of Sub Divisional Tribunal,
(Under Maintenance and Welfare of Parents
and Senior Citizens Act, 2007),
Usilampatti, Madurai District.

2.Marimuthu

3.M.Suresh

4.M.Arumuga Pandi

5.Lingapandi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Certiorari, calling for the records relating to the impugned



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order passed by the first respondent by his proceedings in Pa.Mu.No. 2705/2025/A1 dated 16.02.2026 and quash the same.

For Petitioner : Mr.S.Prabha
For Respondent No.1 : Mr.R.Ramasamy,
Counsel for the State of Tamil Nadu
For Respondents 2 & 4 : Mr.S.Malaikani
For Respondent No.3 : Mr.R.Suriya
For Respondent No.5 : Given up

ORDER

Challenging the proceedings of the first respondent in Pa.Mu.No. 2705/2025/A1 dated 16.02.2026, the present Writ Petition has been filed.

2.The case of the petitioner is that the subject property originally belonged to one Marimuthu / the second respondent, who is the father of the third and fourth respondents and the second respondent executed a gift settlement deed dated 12.02.2020, vide Document No.252/2020. Thereafter, the third respondent executed a sale deed in favour of the fifth respondent vide Document No.3482/2020 dated 02.05.2020. Pursuant to which the fifth respondent executed a sale deed in favour of the petitioner vide Document No.4403/2025 dated 10.11.2025. While so, the second respondent filed a petition before the first respondent under the



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Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The first respondent conducted enquiry and in and by impugned proceedings dated 16.02.2026, cancelled the said settlement deed dated 12.02.2020.

3.Learned counsel appearing for the petitioner submitted that admittedly, the second respondent, father of the third and fourth respondents executed an irrevocable settlement deed without any condition and thereafter, the second respondent initiated proceedings under the Act. However, the first respondent without ascertaining the factual aspects has passed the impugned order, which warrants interference by this Court. Learned Counsel for the petitioner further submits that since the fifth respondent is the subsequent purchaser, the fifth respondent is given up.

4.Learned Counsel for the petitioner placed reliance upon the decision of the Hon'ble Full Bench in the case of ***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.



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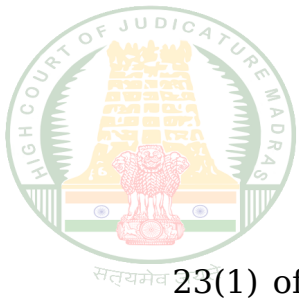
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5.Learned Government Counsel appearing for the official respondent submitted that the impugned order came to be passed on the complaint of the senior citizen alleging failure of maintenance by his children. However, he fairly submitted that the issue is governed by the judgment of the Hon'ble Full Bench of this Court. Hence, this Court may issue appropriate directions in the above regard.

6.Learned Counsel appearing for the private respondents fairly submitted that the settlement deed dated 12.02.2020 executed by the second respondent in favour of the third and fourth respondents, is an absolute and irrevocable settlement deed which does not contain any conditions. Accordingly, they pray for appropriate orders.

7.Heard the learned counsel for the parties and perused the materials available on record.

8.Admittedly, the petitioner is a subsequent purchaser. 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



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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 respondent, has not put any condition. **In other words, the gift deed is not subject to any condition or terms that the transferor shall***



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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 12.02.2020, does not disclose any condition requiring the third and fourth respondents to maintain the executant as as 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 Pa.Mu.No.2705/2025/A1 dated 16.02.2026, is liable to be set aside.



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12.Accordingly, the Writ Petition stands allowed and the impugned order of the first respondent dated 16.02.2026, is hereby quashed. However, liberty is granted to the second respondent to work out his remedy before the Civil Court and also to file a fresh application before the appropriate authorities claiming maintenance, in the manner known to law. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

22.07.2026

NCC : Yes / No

Index : Yes / No

Internet: Yes / No

MR



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To
The Revenue Divisional Officer cum
The Chairman of Sub Divisional Tribunal,
(Under Maintenance and Welfare of Parents
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M.DHANDAPANI, J.

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