

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

WP(C) No. 302 of 2026

Mrs. Khadijan Begum, aged about 80 years, W/o (L) Rashid Ali of Yairipok Tuliha Toupokpi, Imphal East District, Manipur, presented resided at Tellipati near JR Hospital, P.O. & P.S. Porompat, Imphal East District, Manipur.

... Petitioner

-Versus-

1. The State of Manipur represented by the Chief Secretary, Government of Manipur, Office at Secretariat, Mantripukhri, P.O. Mantripukhri and P.S. Heingang, Imphal West District, Manipur – 795002.
2. The Commissioner/ Secretary (Social Welfare), Government of Manipur, Office at Secretariat, Mantripukhri, P.O. Mantripukhri and P.S. Heingang, Imphal West District, Manipur.
3. The Director (Social Welfare), Manipur, office at Directorate of Social Welfare, Government of Manipur, A.T. Line, North AOC, Imphal East District, Manipur.
4. The Deputy Commissioner, Imphal East District, Government of Manipur, Office at Porompat DC Complex, P.O. & P.S. Porompat, Imphal East District, Manipur – 795005.

... Respondents

5. Md. Afzal Ali, aged about 57 years, S/o (L) Rashid Ali of Yairipok Tuliha Toupokpi, Imphal East District, Manipur presented resident at Tellipati near JR Hospital, P.O. & P.S. Porompat, Imphal East District, Manipur – 795005.

... Private Respondent

Date of hearing & order :: 28-04-2026

ORDER

[4] It has been submitted by the learned counsel appearing for the petitioner that under Section 7 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 which came into force w.e.f. the

date of publication in the Official Gazette, it is, inter alia, provided that the State Government shall within a period of six months from the date of the commencement of the Act constitute for each sub-division one or more Tribunals as may be specified in the notification for the purpose of adjudicating and deciding upon the order for maintenance. The provisions of the said Section 7 of the said Act are as under:-

“7. Constitution of Maintenance Tribunal

- 1. The State Government shall within a period of six months from the date of the commencement of this Act, by notification in the Official Gazette, constitute for each sub-division one or more Tribunals as may be specified in the Notification for the purpose of adjudicating and deciding upon the order for maintenance under Section 5.***
- 2. The Tribunal shall be presided over by an officer not below the rank of Sub-Divisional Officer or a State.***
- 3. Where two or more Tribunals are constituted for any area, the State Government may, by general or special order, regulate the distribution of business among them.”***

[5] It has been also submitted by the learned counsel appearing for the petitioner that under Rule 3 of the Manipur Maintenance and Welfare of Parents and Senior Citizens Rules, 2023, the constitution of the Maintenance Tribunals are provided. The provisions of Rule 3 of the said Rule are as under:-

“Procedure for Maintenance Tribunal, Appellate Tribunal and Conciliation Officers

3. Constitution of Maintenance Tribunal

- (1) The Government shall, by notification in the Official Gazette, constitute for each sub-division one ore more Tribunals as may be specified in the notification for the purpose of adjudicating and deciding upon the order for maintenance under section 5.***

- (2) *The Tribunal shall consist of an Additional District Magistrate (ADM) or Sub-Divisional Magistrate (SDM) of the sub-division, as the case may be, and two other members, of whom one shall be a woman.*
- (3) *The Maintenance Tribunal shall have all the powers a Civil Court for all purposes of section 195 and Chapter XXVI of the CrPC 1973.*
- (a) *The ADM/SDM shall be the Presiding Officer of the Maintenance Tribunal of the concerned District and the Deputy Commissioner shall be the Presiding Officer of the Appellate Tribunal, as constituted in concerned District under his jurisdiction.*
- (b) *the other non-official members, one of who shall be a woman, shall have the following qualifications, namely:-*
- (i) *the non-official member should not be less than 35 years of age in case of Maintenance Tribunal and not less than 50 years of age in case of Appellate Tribunal.*
- (ii) *the non-official member should possess a Post Graduate Degree from a recognized university in case of Maintenance Tribunal and should possess a Post Graduate Degree in Social Work/ Sociology, Anthropology/ Gerontology/ Psychology in case of Appellate Tribunal.*
- (iii) *the non-official member should be a person with integrity and unblemished record of service. He should have adequate knowledge and experience of at least 5 years of working for the welfare of senior citizens, woman empowerment and social welfare in case of Maintenance Tribunal and 7 years of working in case of Appellate Tribunal.*
- (iv) *he should be resident of Manipur for not less than three years."*

[6] It has been submitted by the learned counsel appearing for the petitioner that the Maintenance Tribunal as mandated under Section 7 of the Maintenance Act and Rule 3 of the Maintenance Rules has not yet been constituted by the State Government in respect of Imphal East District.

[7] In view of the above, the petitioner submitted a representation dated 30-03-2026 to the concerned officers of the State Government with the request for constituting the Maintenance Tribunal for Imphal East District, Manipur, as provided under Section 7 of the said Maintenance Act and said Maintenance Rule 3 and that the said representation is still pending for consideration and disposal by the authorities. The learned counsel, accordingly, prays that the present writ petition may be disposed of by directing the respondents No. 1 to 3 to consider the said representation submitted by the petitioner on its own merit and strictly in terms of the applicable act and rules and to dispose of the same by issuing appropriate order within a stipulated period.

[8] Mrs. Ch. Sundari, learned GA appearing for the State respondents fairly submitted that as the prayer made on behalf of the petitioner is confined to the consideration and disposal of the representation submitted by the petitioner, she has no objection in disposing of this writ petition as prayed for by the learned counsel appearing for the petitioner.

[9] Considering the submission made by the learned counsel appearing for the parties and on perusal of the record of the present case, this court is of the considered view that it will be in the interest of justice to issue the following directions:-

- (i) The respondents No. 1 to 3 are hereby directed to consider the representation dated 30-03-2026 submitted by the petitioner on its own merit and strictly in terms of the

applicable act and rules and to dispose of the same by issuing appropriate order; and

- (ii) The whole exercise should be completed within a period of three months from the date of receipt of a certified copy of this order.

With the aforesaid directions, the present writ petition is disposed of.

JUDGE

Devananda