



CGHC010280042026



2026:CGHC:32173

NAFR



HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3856 of 2026

1 - Shambhu Prasad Gupta S/o Late Devendra Prasad Gupta Aged About 48 Years R/o Ward No 11, Near Nirmala School Azad Nagar Dallirajhara Tahsil Dondi District- Balod (C.G.).

2 - Pramod Kumar Gupta S/o Late Devendra Prasad Gupta Aged About 46 Years Ward No 11, Near Nirmala School Azad Nagar Dallirajhara Tahsil Dondi District- Balod (C.G.).

... **Petitioner(s)**

versus

1 - Smt. Bacchi Devi Gupta W/o Late Devendra Prasad Gupta Aged About 66 Years R/o Ward No11. Near Nirmala School Dallirajhara Tahsil Dondi District- Balod (C.G.).

2 - The Additional Collector District- Balod (C.G.).

3 - The Sub- Divisional Officer (Revenue) Dondi District- Balod (C.G.).

... **Respondent(s)**

For Petitioner(s)	:	Ms. Aditi Singhvi, Advocate.
For Respondent(s)/ State	:	Mr. Soumitra Kesharwani, Panel Lawyer.

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

28/07/2026

1. By way of this petition, the petitioner has prayed for following reliefs:-

"1). That, this Hon'ble Court may kindly be pleased to

quash and set aside the impugned order dated 18.05.2026 passed by the learned Additional Collector, Balod in Case 202504241200014/2024-25 (Annexure P/01)

2) That, this Hon'ble Court may kindly be pleased to grant any other relief, which it deems fit and proper.”

2. Learned counsel appearing for the petitioner submits that the petitioner had preferred an application under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 before the competent authority seeking appropriate relief under the provisions of the Act. He submits that, under the statutory scheme of the Act and the Rules framed thereunder, the Sub-Divisional Officer (Revenue) functions as the Maintenance Tribunal and is the competent authority to adjudicate such an application in the first instance. Although the application was duly addressed to the Sub-Divisional Officer (Revenue), it was inadvertently presented before the Additional Collector, District Balod, who proceeded to entertain the matter and passed the impugned order dated 18.05.2026. It is contended that the Additional Collector had no original jurisdiction to entertain or decide the application, as he functions only as part of the Appellate Tribunal constituted under the Act. Learned counsel further submits that the Maintenance Tribunal is headed by the Sub-Divisional Officer (Revenue) as Chairman and comprises the Chairperson/nominee of the Janpad Panchayat, the Block Medical

Officer, a senior citizen above the age of 60 years nominated by the Sub-Divisional Officer (Revenue), and the Panchayat and Social Education Organizer as the Coordinator, whereas the Appellate Tribunal is headed by the District Collector and consists of the Chairperson/nominee of the Zila Panchayat, the Chief Medical and Health Officer, a senior citizen nominated by the District Collector, and the Joint/Deputy Director (or In-charge Deputy Director) of the Panchayat and Social Welfare Department as the Coordinator. It is, therefore, submitted that the impugned order dated 18.05.2026, having been passed by an authority lacking original jurisdiction, is wholly without authority of law and deserves to be quashed.

3. Per contra, learned counsel appearing for the State fairly submits that the Additional Collector is not the Maintenance Tribunal under the provisions of the Act of 2007 but is vested only with appellate jurisdiction. He submits that it appears the Additional Collector inadvertently entertained and decided the petitioner's application, although such jurisdiction is vested in the Sub-Divisional Officer (Revenue). However, he further submits that no objection regarding the competency or jurisdiction of the Additional Collector was raised by the petitioner during the proceedings before the said authority.
4. I have heard learned counsel for the parties and perused the material available on record.

5. Upon consideration of the submissions advanced and the statutory scheme of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, this Court is of the considered opinion that the Additional Collector exercises jurisdiction only as an Appellate Tribunal under the Act and is not the authority competent to entertain and adjudicate an original application under Section 23 of the Act. Such jurisdiction is vested exclusively in the Maintenance Tribunal, namely, the Sub-Divisional Officer (Revenue). Consequently, the impugned order dated 18.05.2026, having been passed by an authority lacking original jurisdiction, cannot be sustained in the eyes of law.
6. Accordingly, without issuing notice to respondent No. 1 and the other private respondents, and considering that the matter can be disposed of on the pure question of jurisdiction, this Court deems it appropriate to set aside the impugned order dated 18.05.2026 and remand the matter to the Sub-Divisional Officer (Revenue), Dallirajhara, District Balod, who is the competent Maintenance Tribunal under the Act, for fresh adjudication strictly in accordance with law.
7. The petitioner is directed to place a certified copy of this order before the Sub-Divisional Officer (Revenue), Dallirajhara, District Balod. Upon receipt thereof, the said authority shall register the proceedings, issue notices to respondent No. 1 and all other necessary parties, afford them adequate opportunity of hearing,

and decide the matter by passing a reasoned and speaking order in accordance with law.

8. The petitioner shall submit a certified copy of this order before the Sub-Divisional Officer (Revenue), Dallirajhara, District Balod, on or before 03.08.2026. Thereafter, the concerned Sub-Divisional Officer (Revenue) shall issue notice to respondent No. 1 within one week from the date of receipt of this order and shall make every endeavour to conclude the proceedings and pass an appropriate order, strictly in accordance with law, preferably within a period of 30 days thereafter.
9. With this observation and direction, the writ petition is **disposed of**.

Sd/-

(Amitendra Kishore Prasad)
Judge