



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO.24979 OF 2025 (GM-RES)

BETWEEN:

SRI CHIKKANARASIMHARAJU T B
S/O LATE T N BASATTEPPA
AGED ABOUT 81 YEARS
R/AT NO.303,
SUNSHINE APARTMENTS
EAST END 'D' MAIN ROAD
JAYANAGAR 9TH BLOCK,
BENGALURU – 560 069.

...PETITIONER

(BY SRI. VISHNU HEGDE, ADVOCATE)

AND:

1. THE SPECIAL DEPUTY COMMISSONER – I
BENGALURU URBAN DISTRICT
KG ROAD,
BANGALORE – 560 001.
2. THE ASSISTANT COMMISSIONER
WELFARE OF PARENTS AND SENIOR CITIZENS
BENGALURU NORTH SUB-DIVISION
BENGALURU – 560 009.
3. SRI HARSHA T C
S/O CHIKKANARASIMHARAJU T B
AGED ABOUT 43 YEARS
R/AT NO.622, ITI LAYOUT
10TH CROSS, MALATHAHALLI
NAGARABHAVI,
BENGALURU – 560 056.

...RESPONDENTS

(BY SRI. C. SHANKAR REDDY, ADVOCATE FOR C/R-3
SRI. SPOORTHY HEGDE, AGA FOR R-1 & R-2)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE
CONSTITUTION OF INDIA PRAYING TO ISSUE WRIT OF CERTIORARI BY

Digitally
signed by
CHANDANA
B M
Location:
High Court of
Karnataka



SETTING ASIDE THE IMPUGNED ORDER DATED 15/07/2025 IN MAG/4/SC-CR/48/2024-25 PASSED BY THE 1ST RESPONDENT I.E., ANNEXURE-A AND GRANT SUCH OTHER RELIEF AS THIS HON'BLE COURT DEEMS FIT IN THE INTEREST OF JUSTICE AND EQUITY.

THIS PETITION, COMING ON FOR *ORDERS*, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

In this petition, petitioner seeks the following relief:

"Issue a writ of certiorari by setting aside the impugned order dated 15.07.2025 in MAG/4/SC-CR/48/2024-25 passed by the 1st Respondent i.e., Annexure-A and grant such other relief as this Hon'ble Court deems fit in the interest of justice and equity."

2. Heard learned counsel for the petitioner and learned AGA for respondent Nos.1 and 2 and learned counsel for respondent No.3 and perused the material on record.

3. The brief facts giving rise to the present petition are as under:

The petitioner is the father of respondent No.3, who initiated proceedings before respondent No.2 – Assistant Commissioner under the Maintenance and Welfare of Parents and Senior Citizens Act, seeking cancellation of the Gift Deed dated 21.10.2020 and for



other reliefs. The said petition filed by the petitioner before respondent No.2 – Assistant Commissioner / Tribunal was allowed by respondent No.2 – Assistant Commissioner vide Order dated 10.05.2022. Aggrieved by the said order, respondent No.3 preferred an appeal before respondent No.1 – Deputy Commissioner, who allowed the said appeal and set aside the order of respondent No.2 – Assistant Commissioner. Aggrieved by the impugned order at Annexure – A dated 15.07.2025 passed by respondent No.1 – Deputy Commissioner allowing the appeal filed by respondent No.3, the petitioner is before this Court by way of the present petition.

4. Though several contentions have been urged by both sides in support of their respective claims, having regard to the fact that an appeal at the instance of respondent No.3 against an order passed by the respondent No.2 is held to be not maintainable before respondent No.1 – Deputy Commissioner / Appellate Authority by the Hon'ble Division Bench of this Court in the case of ***Sri. K. Lokesh Vs. The Bangalore District Maintenance and Welfare of Parents and Senior Citizens Appellate Tribunal and Special Deputy Commissioner – 1 and others –***



W.A.No.254/2024 dated 20.12.2024, without expressing any opinion on the merits / demerits of the rival contentions, to enable the Assistant Commissioner to reconsider the matter afresh and in accordance with law, I deem it just and appropriate to set aside the Order at Annexure – A passed by the Deputy Commissioner and the Order at Annexure – G passed by the Assistant Commissioner and remit the matter back to respondent No.2 for reconsideration afresh, in accordance with law by issuing certain directions.

5. In the result, I pass the following:

ORDER

- (i) The petition is hereby ***allowed***.
- (ii) The impugned order at Annexure A dated 15.07.2025 passed by the respondent No.1 and the order at Annexure – G dated 10.05.2022 passed by the respondent No.2 are hereby set aside.
- (iii) Matter is remitted back to respondent No.2 for reconsideration afresh in accordance with law.
- (iv) Petitioner and respondent No.3 shall appear before respondent No.2 on **27.04.2026** without awaiting further notice from respondent No.2.



(v) Liberty is reserved in favour of both parties to file their pleadings, objections, documents, etc., before respondent No.2, who shall consider the same and provide sufficient and reasonable opportunity to the petitioner and hear them and thereafter proceed further and take appropriate decision / pass appropriate orders, in accordance with law, within a period of two months from 27.04.2026.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE

SV
List No.: 2 SI No.: 4