

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 29377 of 2018

ORDER:

- 1) Heard learned counsel for the petitioner and Government Pleader for Revenue (TG). With the consent of both the parties, the main writ petition is being taken up for disposal at the admission stage itself.
- 2) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the official respondents in not disposing of the petitioner's application vide O.D.R. Register S.No.604, dated 23.04.2018 made under Rule 4 (1) of the Andhra Pradesh Maintenance and Welfare of Parents and Senior Citizens Rules, 2011, as arbitrary and illegal.
- 3) There is no necessity to put the unofficial respondent on notice as this Court is not venturing to adjudicate the issue on merits.
- 4) The averments in the affidavit filed in support of the writ petition would show that the petitioner, who is the mother of the fifth respondent, filed an application seeking various reliefs against only one son, though she has two sons and three daughters. The grievance of the petitioner is that though the said application is made in the month of April, 2018, no orders are passed till date and that there is every likelihood of un-official respondent alienating the property.
- 5) As per Section 5 (4) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, an application filed under

sub-section (2) for the monthly allowance for the maintenance and expenses for proceeding, shall be disposed of within ninety days from the date of the service of notice of that application on such person, provided that the Tribunal may extend the said period once, for a maximum period of thirty days in exceptional circumstances, for reasons to be recorded in writing.

6) The Government Pleader for Revenue submits that if the said application is still pending consideration, the authorities may be directed to consider the said representation in accordance with law.

7) Without going into the merits of the case and having regard to the facts and circumstances of the case, if the said application is still pending consideration, the Revenue Divisional Officer-third respondent, who is the competent authority, shall dispose of the application, as expeditiously as possible, preferably within a period of four (04) weeks from the date of receipt of the order, keeping in view the scope and object of "the Maintenance and Welfare of Parents and Senior Citizens Act, 2007".

8) With the above direction, the Writ Petition is disposed of. No order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

28.08.2018

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