

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.3246 of 2019

ORDER:

The prayer of the petitioner in this case reads as under:

For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of 3rd respondent in entertaining the application of 4th respondent filed under Rule 41 of the Rules 4 and 24 of Andhra Pradesh Maintenance of Parents and Senior Citizen Rules, 2011, as arbitrary, irregular, suppressing all facts, non-joinder of all parties and not supported by any evidence and consequently set aside the same and to pass such other order or orders as this Honourable Court may deem fit and proper in the facts and circumstances of the case."

In the light of the order proposed to be passed by this Court without going into the merits of the matter, it would not be necessary to put respondent No.4 on notice or afford him an opportunity of hearing.

The Revenue Divisional Officer-cum-Sub-Divisional Magistrate, Secunderabad Division, is the constituted Maintenance Tribunal under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for brevity, 'the Act of 2007').

That being so, this Court cannot issue a writ interdicting the statutory Tribunal from entertaining an application filed before it under the provisions of the statute.

However, as Sri P.Ravi Shanker, learned counsel for the petitioner, would state that an implead application has been filed by his clients before the Maintenance Tribunal but the same is kept pending, the Writ Petition is disposed of directing the Revenue Divisional Officer-cum-Sub-Divisional Magistrate, Secunderabad Division, to take note of Section 5(5) of the Act of 2007 and Rule 9 of the Telangana Maintenance of Parents and Senior Citizens Rules,

2011, and pass appropriate order on the pending implead application accordingly.

The Writ Petition is accordingly disposed of.

Pending Miscellaneous Petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

19th February, 2019
dr

