

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.5218 of 2019

ORDER:

The prayer of the petitioners 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 the 2nd Respondent in not disposing the Appeal filed against the Order of the 3rd Respondent in Case No.B/2720/2018 dated 23.01.2019 as illegal, null, void and arbitrary and consequently, declare the Proceedings of the 3d Respondent vide No.B/2720/2018 dated 23.01.2019 as illegal, null, void and arbitrary 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, the mother of the petitioners, on notice or afford her an opportunity of hearing.

It is an admitted fact that aggrieved by the order dated 23.01.2019 passed by the Revenue Divisional Officer, Secunderabad Division-cum-competent authority under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, an appeal has already been preferred by the petitioners under Section 16 of the said enactment before the District Collector, Hyderabad. This appeal was received by the appellate authority on 18.02.2019, as is borne out by the endorsement on the copy of the appeal filed before this Court.

Sri K.Durga Prasad, learned counsel for the petitioners, would also concede that an application for interim relief was filed by the petitioners in the said appeal. It is therefore for the appellate authority to consider the said application for interim relief on its own merits and pass appropriate orders thereon.

As it is stated that steps are being taken to implement the order dated 23.01.2019 of the Revenue Divisional Officer, Secunderabad Division, which is presently under appeal before the District Collector, Hyderabad, this Court is of the opinion that it would suffice at this stage if the appellate authority considers the application filed for interim relief by the petitioners in the pending appeal and passes appropriate orders thereon on merits and in accordance with law.

The Writ Petition is accordingly disposed of directing the District Collector, Hyderabad, to forthwith take up the application filed for interim relief in the appeal filed by the petitioners against the order dated 23.01.2019 of the Revenue Divisional Officer, Secunderabad Division-cum-competent authority under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, and pass appropriate orders thereon on merits and in accordance with law. This exercise shall be completed expeditiously and in any event, not later than one week from the date of receipt of a copy of this order, be it from whatever source. It is made clear that this Court has not gone into the merits of the matter and the appellate

authority is at liberty to adjudicate the application filed for interim relief on its own merits and in accordance with law.

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

JUSTICE SANJAY KUMAR

13th March, 2019

Note:

Issue CC tomorrow.

B/o

dr

