

Suchitra

**IN THE HIGH COURT OF BOMBAY AT GOA**

**WRIT PETITION NO.370/2021**

SUMATI YESHWANT NAIK

...PETITIONER

*Versus*

STATE OF GOA, THR. ITS  
CHIEF SECRETARY AND 6 ORS.

...RESPONDENTS

Mr. Neelesh Takkekar, Advocate *for the Petitioner.*

Mr. V. Sardesai, Additional Government Advocate *for the State.*

**CORAM: REVATI MOHITE DERE &  
M. S. JAWALKAR, JJ.**

**DATED: 25<sup>th</sup> October 2021**

**P.C.:**

1. Heard Mr. Neelesh Takkekar for the Petitioner and Mr. V. Sardesai, learned Additional Government Advocate for respondents no.1 to 5.

2. Mr. Sardesai states that the aforesaid petition can be conveniently disposed of with a direction to the respondent no.2 i.e. the Deputy Collector & Sub Divisional Officer of Bardez, at Mapusa, Goa, to dispose of the complaint filed by the petitioner expeditiously and in a time bound manner, in terms of prayer clause (b) to this petition. Prayer clause (b) reads thus:-

*“(b) This Hon’ble Court be pleased to issue a Writ of Mandamus or any other writ/order/direction in the nature of mandamus by invoking the extra ordinary jurisdiction under*

*Article 226 & 227 of the Constitution of India, directing the Respondent No.2 to dispose the said complaint for harassment of female senior citizen and for maintenance dated 29/01/2021 in a time bound manner and in any case within a period of 30 days or such time period which this Hon'ble Court may deem fit and proper which is pending in Case bearing No.DC/SDO/MAP/I/Maint-claim/2021 pending before the Respondent No. 2.”*

3. The petitioner is a senior citizen who has filed the proceeding i.e. the complaint before the respondent no.2 seeking certain reliefs, purportedly under the Maintenance and Senior Citizens Act. The said complaint was filed on 29.01.2021 and since then is pending before the respondent no.2.

4. This Court, vide Judgment dated 02.08.2019 passed in PIL Writ Petition No.11/2010 (Coram: M. S. Sonak & Prithviraj K. Chavan, JJ.) in paragraphs 17 and 19 has observed as under:

*“17. .... Therefore, we urge the Maintenance Tribunals to be proactive in such matters realizing that most of the senior citizens including parents are not aware of the provisions of the said Act or their entitlement to receive the maintenance under the provisions of the said Act. It is also possible that the senior citizens or the parents, on account of reasons of health or finance, may not be in a position readily institute the proceedings before the Maintenance Tribunals, in order to secure their entitlement for maintenance.*

*19. Based upon the reports of the Maintenance Officers, the Maintenance Tribunals must consider whether the circumstances exist for taking suo motu cognizance, as contemplated by Section 5(1)(c) of the said Act. We accordingly direct the Maintenance Officers and Maintenance Tribunals to take a proactive role in such matters, so that, the benefits guaranteed under the said Act*

*are reached to the needy and deserving senior citizens including the parents.”*

5. Certain directions were also issued by this Court in the said petition. The petitioner to place on record, if necessary, the Judgment of this Court in the said PIL Writ Petition, before the competent authority, so that the competent authority is mindful of its role and responsibility in cases pertaining to the Maintenance and Senior Citizens Act, 2007 and Goa Maintenance and Welfare of Parents and Senior Citizens Rules, 2009.

6. The petitioner's complaint is pending since January 2021. It appears that six months have lapsed since the date of issuing notice to Mr. Suhas Yeshwant Naik - respondent no.7 herein. Despite respondent no.7 having appeared, no effective hearing has taken place. We express our anguish at the conduct of respondent no.7 in not taking up the complaint for hearing/for not considering grant/refusal of any interim relief. The present case or any other case pertaining to senior citizens ought to be decided expeditiously by the competent authority. This is the mandate of the Senior Citizens Act.

7. Accordingly, we direct the respondent no.2 i.e. the Deputy Collector & Sub Divisional Officer of Bardez, at Mapusa, Goa to pass appropriate orders including interim orders on the petitioner's complaint dated 29.01.2021, filed under the Senior Citizens Act as expeditiously as possible and preferably within 30 days from the date of receipt of this order.

8. We make it clear that we have not gone into the merits of the complaint filed by the petitioner before the competent authority and as such keep all contentions of all parties open.

9. The petitioner to produce this order before the competent authority i.e. the respondent no.2 - the Deputy Collector & Sub Divisional Officer of Bardez, at Mapusa, Goa so as to enable the respondent no.2 to comply with the same.

10. The petition is disposed of in the aforesaid terms. Parties to act on the authenticated copy of this order.

**M. S. JAWALKAR, J.**

**REVATI MOHITE DERE, J.**