

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

CONTEMPT PETITION NO.235/2017 in Cri. W. P .No.457/2017(D)

Baban Ramchandra Shukla and others.

Vs.

Sunil Vinchankar, Acting Officer, Tribunal Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.R.Deshpande, Advocate for petitioners.

Shri A.R.Deshpande, Advocate for respondent no.1.

Mrs. Sangeeta Jachak, Assistant Government Pleader for respondent no.2.

Shri R.C.Joshi, Advocate for respondent nos. 3 and 4.

CORAM :- A.S.CHANDURKAR AND G.A.SANAP, JJ.

DATED :- AUGUST 10, 2021.

The grievance of the petitioners is that the directions issued in Criminal Writ Petition No.457/2017 have not been complied with. In Criminal Writ Petition No.457/2017 the Sub-Divisional Officer was directed to consider the application dated 30.04.2016 that was filed before the respondent no.3 under Rule 20 of the Maharashtra Maintenance and Welfare of Parents and Senior Citizens Rules, 2010 (for short, the said Rules). It was observed by this Court that in case the application was not decided favourably, the petitioners could approach the appropriate appellate forum. It was further observed that the Sub-Divisional Officer may not take a stand that necessary compliance is to be done by the Superintendent of Police. Further observations have been made that if steps required to be taken by the Sub-Divisional Officer were not within his domain and power then the appropriate forum where the petitioners could approach should be disclosed by him.

After this order was passed, the Sub-Divisional Officer, Malkapur on 14.08.2017 entertained the application that was filed by the petitioners under Rule 20. The Sub-Divisional Officer found that

it was the District Superintendent of Police who was the competent authority to entertain the application under Rule 20 (1) of the said Rules. An appropriate application in that regard was to be moved under Rule 20(2) of the said Rules before the concerned police Station. The petitioners challenged this order by filing an appeal before the Appellate Tribunal. On 14.07.2021 the Appellate Authority-Additional Collector dismissed that appeal and affirmed the finding of the Sub-Divisional Officer that under Rule 20 it was the District Superintendent of Police who had jurisdiction to entertain the petitioners' application.

Shri S.R.Deshpande, learned counsel for the petitioners submits that in the light of the observations made by this Court in the order dated 20.07.2017 such course could not have been followed by the Sub-Divisional Officer and the Additional Collector. He submits that despite making various applications, the grievance of the petitioners is still not redressed.

Shri A.R.Deshpande, learned counsel for the respondent no.1 and Mrs. Sangeeta Jachak, learned Assistant Government Pleader for the respondent no.2 submitted that the application of the petitioners was entertained and as it was found that the competent authority to adjudicate the same was the District Superintendent of Police. The said fact was disclosed in the first order dated 14.08.2017 as well as the Appellate Authority's order dated 14.07.2021. There was no wilful breach of any direction issued in the criminal writ petition.

After hearing the learned counsel for the parties, we find that the directions issued by this Court of considering the petitioners' application have been complied with. It has been found by the District Magistrate that the application under Rule 20 was liable to be entertained by the District Superintendent of Police. The Appellate Authority has affirmed that finding. If the petitioners are aggrieved by issuance of this direction, the said orders would have to be

challenged by invoking appropriate jurisdiction. We do not find any wilful breach or disobedience of the directions issued in Criminal Writ Petition No.457/2017 in passing the said orders.

In that view of the matter, the present proceedings now do not survive. The contempt petition is disposed of. Needless to state that the petitioners are free to raise a challenge to the orders dated 14.08.2017 and 14.07.2021, if so advised in accordance with law.

JUDGE

JUDGE

Andurkar..