

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11310 of 2022

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Ravi Shankar Roy S/o Abhay Kumar Roy, R/o Migh 7, Kankarbagh Colony,
Sampatchak, Patna, Lohia Nagar, Bihar-800020.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Law and Justice,
Government of India, Shastri Bhawan, New Delhi-110001.
2. The State of Bihar through Chief Secretary, Secretariat, Patna, Bihar.
3. The Secretary, Law Department, Government of Bihar, Patna.
4. The District Magistrate, Patna, Bihar.
5. The Sub-Divisional Officer, Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Aryan Sinha, Advocate
For the Respondent/s : Mr. Additional Solicitor General

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 10-08-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

(A) A writ in the nature of Certiorari or any other appropriate
writ/s, order/s direction/s quashing the following:

- (i) Section 17 of The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, as it is ultra vires the constitution of India, void and repugnant to Section 30 of the Advocates Act, 1960.
- (B) A writ in the nature of mandamus or any other appropriate writ/s, order/s direction/s for the following reliefs:
 - (i) To declare the right of the advocate to represent the Senior Citizen before the Maintenance Tribunal and Appellate Tribunals constituted under Maintenance and Welfare of Parents and Senior Citizens Act, 2007.
 - (ii) To allow the Petitioner to represent his client before the Maintenance Tribunal, Patna in Case No. 59 of 2022 during the pendency of the instant petition.
 - (iii) To stay the operation of Section 17 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 during the pendency of instant case.
- (C) To any other relief/s to which the petitioner is found entitled to.

We are informed that as of date the judgement dated 30th of March, 2021 rendered by Division Bench of Hon'ble High Court of Kerala at Ernakulam, in case no. WP(C). No. 21946 of 2011(S) Page 42 is in operation. If that is so, it would be prudent for the petitioner's client to invite attention of the Tribunal towards the legal position enabling the petitioner's client to have effective representation through a legal counsel.

We are sure that upon such request being made, the Tribunal shall take a decision in accordance with law accounting for all circumstances including the decision rendered, referred to Supra.

The instant petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	