



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

937 WRIT PETITION NO.6251 OF 2024

SUDHAKAR KADUBA JAGTAP AND OTHERS

VERSUS

THE COLLECTOR, JALNA AND OTHERS

...

Mr. R.A. Rananavare, Advocate for petitioners

Mr. A.V. Lavte, AGP for respondent No.1

...

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 26<sup>th</sup> JUNE, 2024

**ORDER :**

1           The petitioners impugn the order dated 18.01.2024 passed by respondent No.1 – District Collector, Jalna in File No.2023/RB-DESK-1/Pol-1/Case No.03/2023.

2           Heard Mr. R.A. Rananavare, learned Advocate for petitioners and Mr. A.V. Lavte, learned AGP for respondent No.1 – Collector, Jalna.

3           Mr. R.A. Rananavare, learned Advocate appearing for petitioners submits that the petitioners and respondent Nos.3 and 4 were the members

of Joint Hindu Family. There are agricultural lands in Gat No.11, 16, 86 and 124 at village Hisoda and Jalki Bazar, however, respondent No.4, who is real brother of the petitioners, deliberately instituted proceedings in name of father i.e. respondent No.3. Respondent No.3 is addicted to liquor. Taking disadvantage of vices of respondent No.3, certain land standing in the name of respondent No.3 got transferred in the name of his wife viz. Dipali Jagtap. Petitioner No.3 had instituted Special Civil Suit No.396 of 2022 challenging such transfer. Being raged by such an action, present proceedings under Section 5 and 9 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 vide petition No.6/2023 has been instituted against the petitioners and respondent No.4.

4           Mr. R.A. Rananavare would further submit that the Sub Divisional Officer, Bhokardan entertained proceedings and passed impugned order without granting sufficient opportunity to the petitioners. Respondent No.3 gets huge income from agricultural lands, but spends on liquor. Petitioner No.1 has obtained bank loan and repaying installments. He has responsibility of his family. Now, respondent No.3 is intentionally pressing execution of impugned order only against petitioners, excluding respondent No.4, who is the man behind curtain, prosecuting this litigation. He would, therefore, urge to quash and set aside the impugned order.

5            Having considered the submissions advanced, it is not in dispute that proceedings was moved by respondent No.3 under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 against petitioners seeking maintenance order in terms of Sections 4 and 5. Admittedly, petitioner No.1 is Government servant, working as Malaria Officer and petitioner Nos.2 and 3 are agriculturists. The impugned order shows that learned Sub Divisional Officer, Bhokardan directed petitioner No.1 to pay maintenance of Rs.5,000/- to respondent No.3, whereas petitioner Nos.2 and 3 along with respondent No.4 are directed to pay maintenance of Rs.2,000/- each. It is not in dispute that respondent No.3 is aged about 82 years. Apparently, he cannot cultivate the agricultural land. The petitioners are earning hands in the family. Petitioner No.1 is the Government servant. As such all petitioners are under obligation to maintain respondent No.3 in terms of Section 4 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, so that he can lead a normal life. Considering the age of respondent No.3, the maintenance amount granted under impugned order appears to be just and reasonable, particularly when petitioner No.1 is a Government servant.

6            So far as the contention regarding non observance of principles of natural justice is concerned, it can be seen that the petitioners were served with notice of proceedings, they have filed elaborate reply and after

considering their defence, the Sub Divisional Officer, Bhokardan passed the order dated 25.04.2023. The petitioners assailed said order before District Collector, Jalna, who dismissed the appeal, by reasoned order deliberating on relevant aspects. No perversity or error of jurisdiction is discernible from the impugned orders. Hence, no case is made out to cause interference under Article 227 of the Constitution of India. Therefore, the writ petition stands dismissed.

**( S.G. CHAPALGAONKAR )**  
**JUDGE**

agd