



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

49 WRIT PETITION NO. 12658 OF 2024

LILABAI SURESH CHAUDHARI AND ANOTHER
VERSUS

THE SENIOR CITIZEN APPELLATE TRIBUNAL AND DISTRICT MAGISTRATE
AND OTHERS

Mr.Y.B. Bolkar h/f. Mr.M.S. Sonawane, Advocate for the petitioner.
Mr.N.D. Raje, AGP for the respondent-State.

CORAM : KISHORE C. SANT, J.
DATE : 25.11.2024

PC :-

01. Heard learned Advocate for the petitioners and learned APP for respondent Nos. 1 and 2. This petition can be conveniently disposed off in the peculiar facts of the petition. Therefore, notice is not issued to other respondents.

02. The petitioner approached the Tribunal under Maintenance and Welfare of Parents and Senior Citizens Act, 2007 i.e. the Sub-Divisional Officer, Dhule. The learned SDO, Dhule by his judgment and order allowed the application of the petitioners and directed respondent Nos.1 and 2 therein i.e. respondent Nos.2 and 3 in this petition to vacate first floor of the residential building and to allow the petitioners to stay on the said floor. The petitioners filed application before the learned

Collector for implementation of the order dated 30.08.2023, passed by the learned SDO/Tribunal. The learned Collector, however, being appellate authority, wrongly treated that application as appeal and rejected the said application and also passed consequential orders including the order that the petitioners have to approach civil court for the relief. The learned Advocate for the petitioners submits that in-fact they had approached for implementation of order. The petitioners were misled by letter dated 11.01.2024 by which it was communicated by the learned SDO to approach the appellate forum for appropriate orders. It is because of that they approached the learned Collector under wrong impression that they have to seek execution from the learned Collector. The learned Advocate for the petitioners is ready to withdraw the application that was filed under misconception before the learned Collector and to approach again to respondent No.2 i.e. SDO for execution and implementation of the order dated 30.08.2023.

03. The learned AGP has no objection to this exercise. However, he submits that since the petitioners had approached the learned Collector, the learned Collector treated their application dated 16.01.2024 as appeal, as prayers were made in the application.

04. In view of the above position, this Court finds that the petitioners are ready to withdraw application dated 16.01.2024. Said application stands withdrawn and consequential order is quashed and set aside. The petitioners are at liberty to approach learned SDO for execution of the order dated 30.08.2023.

05. In view of above, the writ petition stands disposed off.

[KISHORE C. SANT, J.]