NC: 2024:KHC:53346
WP No. 35738 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF DECEMBER, 2024

BEFORE

THE HON'BLE MR JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 35738 OF 2024 (GM-RES)

BETWEEN:

SMT. BHAGYA @ BHAGYAMMA,
AGED ABOUT 47 YEARS,
LATE VENKATESH,
PRESENTLY R/AT NO.3/302,
JEEVA NAGAR, CHOODAPURAM,
BELATHUR, HOSUR TALUK 635 124,
KRISHNAGARI DISTRICT, TAMILNADU,
PREVIOUS R/AT
KHAJISONNENAHALLI VILLAGE,
KANNAMANGALA POST, BIDARAHALLI HOBLI,
BENGALURU EAST TALUK 560 067,
BENGALURU URBAN DISTRICT.

...PETITIONER

(BY SRI. BHADRINATH R., ADVOCATE)

Digitally signed by SHWETHA RAGHAVENDRA
Location: HIGH COURT OF KARNATAKA

AND:

1. THE STATE OF KARNATAKA,
REP. BY CHIEF SECRETARY,
VIDHANA SOUDHA,
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU 560 001.

2. THE ASSISTANT COMMISSIONER,
PRESIDENT OF MAINTENANCE AND WELFARE OF
PARENTS AND SENIOR CITIZENS ACT
MAINTENANCE TRIBUNAL,

BENGALURU NORTH SUB-DIVISION
BENGALURU 560 009,
BENGALURU URBAN DISTRICT.

3. SMT. VENKATAMMA
W/O LATE MUNIYAPPA,
3RD CROSS, KANNAMANGALAL,
KHAJI SONNENAHALLI VILLAGE,
BENGALRUU EAST TALUK,
BENGALURU.

4. SRI. SWAMYNATHAN,
AGED ABOUT 38 YEARS,
S/O MUNIKADARAPPA,
R/AT KHAJI SONNENAHALLI VILLAGE,
KANNAMANGALA POST,
BIDARAHALLI HOBLI,
BENGALURU EAST TALUK,
BENGALURU 560 067.

…RESPONDENTS

(BY SRI. MOHAMMED JAFFAR SHAH, AGA FOR R1 AND R2;
V/O/D 31.12.2024, NOTICE TO R3 AND R4 IS D/W)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO A) TO CALL FOR THE ENTIRE RECORDS PERTAINING TO THE IMPUGNED ORDER DATED 30/07/2024 IN CASE BEARING MSC/CR/45/2024 PASSED BY THE ASSISTANT COMMISSIONER, BENGALURU NORTH SUB-DIVISION, BENGALURU / R2 AS FOUND AT ANNEXURE-A AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. What is challenged is an order passed by the Assistant Commissioner under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The petitioner has sought for restraining the Respondent Nos.3 and 4 from attempting to dispossess the petitioner from the schedule property. The petitioner has challenged the Order dated 30.07.2024 passed by the Assistant Commissioner, Bengaluru North Sub-Division, Bengaluru.

2. The petition is ***dismissed***.

3. The petitioner has got efficacious remedy under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. He is at liberty avail this remedy and to avail such other remedy as may be permissible under the law.

SD/-
(SURAJ GOVINDARAJ)
JUDGE

BNV
List No.: 1 Sl No.: 107