



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

WRIT PETITION (WP) NO. 2527 OF 2025

Baban Sukru Tambe

.Vs.

The Union of India, Ministry of Law and Justice, New Delhi and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr R. S. Bhoyar, Adv. h/f. Mr K. P. Mahalle, Advocate for the petitioner
Mr N. S. Deshpande, DSGI for respondent No. 1
Mr S. M. Ukey, Addl.GP for respondent Nos. 2 & 3/State

CORAM : ANIL S. KILOR AND VRUSHALI V. JOSHI, JJ.
DATED : AUGUST 07, 2025.

Heard.

2. In the present matter, the relief sought is to declare the Section 17 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short, 'the Act of 2007') as *ultra vires* and unconstitutional and another prayer is to quash and set aside the order passed by the Sub Divisional Officer, Yavatmal in Senior Citizen Case No. 8/24-25 dated 07.04.2025 relying upon Section 17 of the Act of 2007.

3. The said Section 17 of the Act of 2007 has already been declared ultra virus by the Division Bench of the Kerala High Court in the case of *Adv. K. G. Suresh .v/s. Union of India and others*, reported in, 2021 SCC OnLine Ker 1686 and by the Delhi High Court in the case of *Pawan*

Reley and another .v/s. Union of India and others, reported in, 2022 SCC OnLine Del 3221.

4. During the pendency of this petition, the Goa Bench of this Court vide judgment dated 09.06.2025 in the case of *Mr. Santosh Savlaram Morajkar .v/s. Mrs. Sumitra Savlaram Moraskar and another (Writ Petition No. 219 of 2025)* has also taken the similar view and declared Section 17 of the Act of 2007 as *ultra vires*.

5. In that view of the matter, we quash and set aside the impugned order dated 07.04.2025 passed by the Sub Divisional Officer, Yavatmal and remitted the matter back to the Sub Divisional Officer, Yavatmal to decide the case of the senior citizen afresh, in view of the judgment passed by the Goa Bench of this Court in the case of *Santosh Morajkar (supra)*.

6. The parties shall appear before the Sub-Divisional Officer, Yavatmal on 25.08.2025 at 11:00 a.m.

7. The Sub Divisional Officer, Yavatmal shall decide the case afresh within two months from the date of appearance of the parties.

8. The writ petition stands **disposed of**, in the above terms.

[VRUSHALI V. JOSHI, J]

[ANIL S. KILOR, J.]