



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

CRIMINAL WRIT PETITION NO.544 OF 2022

AMIT LALCHAND THADANI AND ANOTHER

VS

DISTRICT MAGISTRATE AND COLLECTOR AKOLA AND 2 OTHERS

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. U.J. Deshpande a/w Mr. Nikhil, Advocate for the petitioner/s
Mr. M.J. Khan, APP for the respondent/State
Mr. Akshay H. Joshi, Advocate for the respondent No.3

CORAM : ANIL S. KILOR, J.

DATE : 20th FEBRUARY, 2025

1. The Sub-Divisional Officer, Akola passed an order dated 24.06.2022 against the petitioners under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short "the Act of 2007"), which was the subject matter of challenge by way of appeal under Section 16 of the Act of 2007, before the Collector.
2. The Collector, Akola, by relying upon the judgment of Madras High Court in the case of ***K. Raju Vs. Union of India and others (Writ Petition No.29988 of 2019)*** dated 19.02.2021, refused to entertain the appeal on the ground that children have no right under Section 16 of the Act of 2007, to file appeal.
3. Thus, the only issue involved in the present writ petition is, whether relatives/children can file appeal under Section 16 of the Act of 2007. This issue is no more *res integra*, as it has been held by Co-ordinate Bench of this

Court in the case of *Ankush Punjabrao Jamodkar Vs. The Appellate Authority and others (Writ Petition No.4869 of 2024)* dated 07.02.2025 that, the right to file appeal under Section 16 of the Act of 2007 is not restricted to senior citizen and parents, but any of the children or relatives can also have such right.

4. This Court has relied upon the judgment of the Punjab and Haryana High Court in the case of *Paramjit Kumar Saroya Vs. The Union of India* (AIR 2014 P & H 121) for the said purpose. Since, I am agreeable with the above view, I pass the following order:

- (i) The Writ Petition is **partly allowed**.
- (ii) The order passed by the Collector, Akola dated 27.07.2022 is hereby quashed and set aside and the matter is remanded back to the Collector, Akola to decide the same afresh on merits.
- (iii) Both the parties are directed to appear before the Collector, Akola on 11.03.2025.
- (iv) The Collector, Akola shall decide the appeal within a period of three months from the date of appearance of the parties.

The writ petition is disposed of accordingly.

(ANIL S. KILOR, J.)