



WEB COPY

WP No. 8911 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-03-2026

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

WP No. 8911 of 2026

Suraj C Goyal

..Petitioner(s)

Vs

1. The District Collector, Chennai
Cum Appellate Authority Under
The Maintenance And Welfare Of
Parents And Senior Citizens Act, 2007
District Collectorate Office
Iv Floor, M.Singaravelar Maaligai
No.62, Rajaji Salai
Chennai 600001.

2. Mr.C.M.Goyal

..Respondent(s)

Writ petition is filed under Article 226 of the Constitution of India seeking for issuance of a writ of mandamus to direct the first respondent to permit the petitioner, based on the representation dated 25.02.2026 to be presented through his authorised advocate in the Appeal bearing No. 2236/A1/2025 filed by the second respondent under section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 which is pending before the first respondent.

For Petitioner(s):

Mr.P.R.Raman, SC
for Mr.C.Seethapathy

For Respondent(s):

Mr.K.Surendran, AGP (R1)



ORDER

This writ petition has been filed seeking for a direction to the first respondent to permit the petitioner to be represented through his authorised Advocate in the appeal bearing No.2236/A1/2025 filed by the second respondent under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (in short “Senior Citizens Act”).

2. Mr.K.Surendran, learned Additional Government Pleader, accepts notice on behalf of the first respondent. Since no adverse orders are passed against the second respondent, notice to the second respondent in this writ petition is dispensed with.

3. According to the petitioner, by erroneously applying Section 17 of the Senior Citizens Act, the first respondent is not permitting the petitioner to be represented by his authorized Advocate in the appeal filed by the second respondent under the Senior Citizens Act.

4. The learned Senior counsel for the petitioner would submit that Section 17 of the Senior Citizens Act has been held to be unconstitutional by various High Courts. In support of the said contention, he has also relied upon the following authorities:-



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- (a) K.Srinivas Ganiga Vs. Union of India and others
[MANU/KA/1973/2023]; and
(b) Adv.K.G.Suresh Vs. Union of India [AIR 2021 Ker
152].

5. As seen from the aforesaid decisions, Section 17 of the Senior Citizens Act has been held to be unconstitutional. Section 17 of the Senior Citizens Act reads as follows:-

17. Right to legal representation. – Notwithstanding anything contained in any law, no party to a proceeding before a Tribunal or Appellate Tribunal shall be represented by a legal practitioner.

6. This Court has perused and examined the various decisions relied upon by the learned Senior counsel for the petitioner and is in agreement with the view taken in those decisions. In all those decisions, it has been held that Section 17 of the Senior Citizens Act is declared *ultra vires* of Section 30 of the Advocates Act, 1961. Therefore, in all those decisions, it has been held that an Advocate cannot be prohibited from appearing for a party under the Senior Citizens Act before the authorities hearing quasi judicial matter as per the provisions of the said statute.



7. For the foregoing reasons, this Court directs the first respondent to permit the petitioner based on his representation dated 25.02.2026 to be represented through his authorized Advocate in the appeal bearing No.2236/A1/2025 filed by the second respondent under Section 16 of the Senior Citizens Act. With this direction, this writ petition is disposed of. No Costs. W.M.P.No.9608 of 2026 is closed.

06-03-2026

Neutral Citation: Yes/No
RKM



To

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ABDUL QUDDHOSE, J.

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