

[3329]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

(SPECIAL ORIGINAL JURISDICTION)

TUESDAY, THE FIFTH DAY OF MAY

TWO THOUSAND AND TWENTY SIX



:PRESENT:

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 9798 OF 2026

Between:

1. Kavala @ Yennamsetti Uma Maheswari, W/o. Kavala Madhu Babu, D/o. Yennamsetti Ramulu, Aged about 42 years D.No.17-31-9. Seetampeta, Rajahmundry, East Godavari District
2. Kavala Madhu Babu, S/o Visweswara Rao, Aged about 43 years, D.No.17-31-9. Seetampeta Rajahmundry, East Godavari District
3. Yennamsetti Purnima, W/o. Manohar D/o. Yennamsetti Ramulu, Aged about 33 years D.No.17-31-9. Seetampeta, Rajahmundry, East Godavari District .

Petitioners

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Disabled and Senior Citizens Department, Secretariat Buildings, Velagapudi, Amaravati, Guntur District.-522238
2. The District Collector, East Godavari District At Rajamahendravaram,533101
3. The Presiding Officer, Revenue Divisional Officer and Sub- Divisional Magistrate Maintenance Tribunal For the welfare of Parents and Senior Citizens, East Godavari District At Rajamahendravaram-533101
4. The Station Officer, III Town Police Station East Godavari District, At Rajamahendravaram-533101

5. Yennamsetti Ramulu @ Ramulu Naidu, S/o. Late. Appala Naidu, Aged about 71 years, D.No. 17-31-9, Teachers Colony, SeetamPeta, Rajamahendravaram, East Godavari-District 533101

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue Writ Order or direction more particularly one in the nature of WRIT OF MANDAMUS the Respondent No. 3 in passing the Impugned Order in O.P. No. 1823 of 2025, dated 28-11-2025 and impugned order is legally unsustainable as the subject matter is sub-judice as the suit O.S. 43 of 2025 on the file of Hon'ble Principal Civil Judge (Senior Division), Rajamahendravaram as being arbitrary, illegal, erroneous without jurisdiction and in violation of the Maintenance Welfare of Parents and Senior Citizens Act, 2007 read with the A P Maintenance of Parents Senior Citizens Rules 2011 and in contravention of Article 14 and 300-A of the Constitution of India as illegal, arbitrary and violation of principles of natural justice and consequently set aside the Impugned Order dated 28-11-2025.

IA NO: 1 OF 2026

Petition under Section 151 CPC is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to suspend proceedings in pursuant of the final order in O.P.No.1823 of 2025 dt. 28-11-2025 passed by the Respondent No 3, Pending disposal of WP 9798 of 2026, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI B.SUDHAKAR KUMAR, Advocate for the Petitioners, GP FOR WOMEN & CHILD WELFARE for the Respondent No.1, learned GP FOR REVENUE for the Respondent Nos.2&3, learned GP FOR HOME for the Respondent No.4, the Court made the following

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for the respondents.

2. Learned counsel for the petitioners submits that respondent No.3 herein passed an impugned order dated 28.11.2025, which is contrary to Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and without jurisdiction. He further submits that the subject property is a joint family property which was relinquished by respondent No.5 who is none other than the father of the petitioners. The petitioners as well as respondent No.5 have jointly acquired equal rights i.e., 1/4th share each out of total property. He also submits that respondent No.5 relinquished his right in respect of 1/4th share out of total property in favour of petitioner Nos.1 and 3 herein. Since the subject property is a joint family property and even petitioners also vested 1/4th share each, respondent No.5 is entitled to the extent of 1/4th share only, but not 3/4th share which was acquired by the petitioners by way of inheritance. Hence, the order of the tribunal is contrary to law.

3. On the other hand, learned counsel for respondent No.5 submits that the order passed by the tribunal is in accordance with law and also in compliance of the provisions of the Act. The tribunal cautiously passed the impugned order and recognized the rights of the 5th respondent by considering the rights of the petitioners. Due to the said understanding, the tribunal cautiously passed the order protecting the rights of respondent No.5 being a senior citizen and also kept intact the rights of the petitioners herein. The contention of the learned counsel for the petitioners that the subject order is contrary to law and against the scheme of act as well as rights of the petitioners herein are contrary to the terms of the order. Since, the application was came for consideration before respondent No.3 which is borne out of welfare legislation, the order emphasizing the rights of respondent No.5 should be viewed as a measure of welfare guaranteed under statute in favour of a senior

citizen. Therefore, the order of respondent No.3 does not warrants any interference of this Court.

4. Learned counsel for the official respondents also furnished written instructions dated 02.05.2026 issued by the Branch Manager, Bank of India, it reveals that the entire subject property is mortgaged by the original property holder along with his son at Seethampeta Branch, Rajahmundry. The original title deeds in respect of the subject property are still lies with the bank.

5. In view of the submissions made by the learned counsel for all the parties and in view of the facts and circumstances as mentioned above, there shall be an interim direction as follows:

i. Directing respondent Nos.3 and 4 herein not to evict the petitioners from the subject property, who are permitted to live at their subjective portions as per the order passed by respondent No.3.

ii. Sri Siva Rama Krishna being a natural son, permitted as care taker of respondent No.5 shall collect the rents to the extent of half of the share in their behalf and deposit the same with the account of the respondent No.5 and rest of the rents to be deposited in the joint account of the petitioners and Siva Rama Krishna, after opening of such account.

iii. It is further observed that since the subject property is under mortgage, out of the rental proceeds all the parties except respondent No.5 may contribute for resumption of subject mortgage loan to protect the property. The said arrangement should be continued till next date of hearing.

6. For filing counter-affidavit, list the matter after Summer Vacation, 2026.

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SD/- K.J.RAJA BABU
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary,-Disabled and Senior Citizens Department,
Secretariat Buildings, Velagapudi, Amaravati, Guntur District.-522238,
State of Andhra Pradesh (BY SPECIAL MESSENGER)
2. The District Collector, East Godavari District At
Rajamahendravaram,533101
3. The Presiding Officer, Revenue Divisional Officer and Sub- Divisional
Magistrate Maintenance Tribunal For the welfare of Parents and Senior
Citizens, East Godavari District At Rajamahendravaram-533101
4. The Station Officer, III Town Police Station East Godavari District, At
Rajamahendravaram-533101
5. Yennamsetti Ramulu @ Ramulu Naidu, S/o. Late. Appala Naidu, Aged
about 71 years, D.No. 17-31-9, Teachers Colony, SeetamPeta,
Rajamahendravaram, East Godavari-District 533101 (Addressee Nos.2
to 5 by RPAD) ✓
6. One CC to SRI. B.SUDHAKAR KUMAR Advocate [OPUC] ✓
7. Two CCs to GP FOR WOMEN DEV & CHILD WELFARE ,High Court ✓
Of Andhra Pradesh. [OUT]
8. Two CCs to GP FOR REVENUE,High Court of Andhra Pradesh. [OUT] ✓
9. Two CCs to GP FOR HOME,High Court of Andhra Pradesh. [OUT] ✓
10. One spare copy

KJ

HIGH COURT

NV,J

DATED:05/05/2026

LIST THE MATTER AFTER SUMMER VACATION, 2026

ORDER

WP.No.9798 of 2026

INTERIM DIRECTION

