



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3329]

WEDNESDAY, THE TWENTY SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 10797/2026

Between:

1. PIDAPARTHI LEELAVATHI, W/O LATE VENKATA REDDY, AGED ABOUT 74 YEARS, OCCUPATION . HOUSE WIFE RESIDENT OF REDDIGUDEM VILLAGE AND MANDAL, NTR DISTRICT, ANDHRA PRADESH- 521215.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY DISABLED AND SENIOR CITIZENS DEPARTMENT SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT- 522238.

2. THE CHAIRMAN CUM DISTRICT COLLECTOR, THE APPELLATE TRIBUNAL UNDER ACT 56/2007, VIJAYAWADA, NTR DISTRICT - 520001

3. THE CHAIRMAN CUM REVENUE DIVISIONAL OFFICER, THE MAINTENANCE TRIBUNAL UNDER ACT 56/2007, TIRUVURU DIVISION, NTR DISTRICT - 521235.

4. SRI PIDAPARTHI PEDDA PULLA REDDY, S/O LATE VENKATA REDDY, AGED ABOUT 55 YEARS. OCCUPATION . AGRICULTURIST RESIDENT OF REDDIGUDEM VILLAGE AND MANDAL, NTR DISTRICT, ANDHRA PRADESH - 521215.

...RESPONDENT(S):

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 a Writ, Order or direction more particularly one in the nature of 'Writ of Mandamus' directing Respondent No.3 to forthwith implement the order dated 20.11.2024 in R.C.A. No. 411/2024 passed by the Divisional Tribunal Officer and Revenue Divisional Officer, Tiruvuru, to take coercive action against Respondent No.4 for recovery of arrears of maintenance and for continued default under Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, in accordance with law and Pass

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct Respondent No.4 to pay monthly maintenance of Rs.10,000/- regularly and clear all arrears forthwith pending disposal of the writ petition, and pass

Counsel for the Petitioner:

1.K V ADITYA CHOWDARY

Counsel for the Respondent(S):

1.GP FOR WOMEN DEV CHILD WELFARE

The Court made the following:

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No.10797 OF 2026

ORDER:-

This writ petition is filed under Article 226 of the Constitution of the India seeking the following reliefs:-

“to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus directing Respondent No.3 to forthwith implement the order dated 20.11.2024 in R.C.A.No.411/2024 passed by the Divisional Tribunal Officer and Revenue Divisional Officer, Tiruvuru to take coercive action against Respondent No.4 for recovery of arrears of maintenance and for continued default under Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 in accordance with law and pass such other order or orders....”

2. Heard learned counsel for the petitioner and learned Government Pleader for the respondents.

3. The case of the petitioner is that the petitioner herein is a senior citizen and submitted an application under Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (in short “the Act 56 of 2007”) before the respondent No.3. Considering the said application, the respondent No.3 passed an order dated 20.11.2024, which reads as follows:

Heard the case and upon taking into consideration of the pleading and oral evidences adduced before me, it is hereby ordered:

a) *Sri Pidaparthi Peda Pullareddy S/o (late) Venkata Reddy (respondent) is hereby directed to handed over one room*

immediately in the house i.e., which is previously living the room of petitioner.

b) Sri Pidaparthi Peda Pullareddy S/o (late) Venkata Reddy (respondent) is hereby directed to pay a monthly maintenance of Rs.10,000/- (Rupees Ten Thousand) to the petitioner from this month and credit into her individual bank account before 15th of every month without fail.

The above said amount shall be credited to the respective account before 15th of every month, failing which, necessary action will be taken under Section XI(2) of Chapter IX of the Code of Criminal Procedure, 1973 (2 of 1974) of Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

4. Learned counsel for the petitioner submits that even though the respondent No.3 passed an order dated 20.11.2024, till date, the respondent No.4 has not been complied with the same and not paid maintenance as directed. Non compliance of the orders by respondent No.4 was complained by the petitioner before the respondent No.3 *vide* a representation dated 29.12.2025. Even after receipt of said representation, the respondent No.3 not taken any steps for implementation of his own order dated 20.11.2024. Hence, the Writ Petition.

5. On the other hand, learned Government Pleader for the respondents submits that the order dated 20.11.2024 passed by the respondent No.3 should be implemented as provided under Section 5(8) of the Act and also Section 11 of the Act 56 of 2007. He further submits that mere submission of representation for implementation of the order of the respondent No.3 is not sufficient, but, the petitioner is under obligation to submit her grievance/

complaint for execution of the order as per the procedure as contemplated under Section 11(2) of the Act 56 of 2007.

6. Heard the learned counsel for both the parties and perused the material placed on record. To resolve the grievance of the petitioner, it is appropriate to extract Section 11 as well as Section 5(8) of the Act 56 of 2007.

Section 11 of the Act 56 of 2007:

11. Enforcement of order of Maintenance

1. A copy of the order of maintenance and including the order regarding expenses of proceedings, as the case may be, shall be given without payment of any fee to the senior citizen or to parent, as the case may be, in whose favour it is made and such order may be enforced by any Tribunal in any place where the person against whom it is made, such Tribunal on being satisfied as to the identity of the parties and the non-payment of the allowance, or as the case may be, expenses, due.

2. A maintenance order made under this Act shall have the same force and effect as an order passed under Chapter IX of the Code of Criminal Procedure, 1973 and shall be executed in the manner prescribed for the execution of such order by that Code.

Section 5(8) of the Act 56 of 2007:

5. Application for maintenance:

8. If, children or relative so ordered fail, without sufficient cause to comply with the order, any such Tribunal may, for every breach of the order, issue a warrant for levying the amount due in the manner provided for levying fines, and may sentence such person for the whole, or any part of each month's

allowance for the maintenance and expenses of proceeding, as the case may be, remaining unpaid after the execution of the warrant, to imprisonment for a term which may extend to one month or until payment if sooner made whichever is earlier:

Provided that no warrant shall be issued for the recovery of any amount due under this section unless application be made to the Tribunal to levy such amount within a period of three months from the date on which it became due.

7. On a perusal of Section 11 of Act 56 of 2007, it is evident that an order passed by Respondent No. 3/Tribunal under Section 5 of the said Act is deemed to be an order passed by the competent civil court. Consequently, such an order is executable in accordance with the provisions of the Code of Civil Procedure by initiating appropriate execution proceedings. On perusal of the Section 5(8) of the Act, it envisages that respondent No.3 is empowered for imposing imprisonment for a term which may extend to one month or until payment if sooner made whichever is earlier. It is further provided that no warning shall be issued for the recovery of money due under this section unless application be made to the Tribunal to levy such amount within a period of three months from the date on which it became due.

8. In view of the clear and categorical procedure as mandated under the Act, the petitioner is entitled to submit or file an application i.e., execution petition as per chapter-IV of CPC for execution of the order of the respondent No.3 dated 20.11.2024.

9. In view of the foregoing discussion, the present writ petition is disposed of, directing the petitioner to initiate appropriate proceedings before the Tribunal as observed above, within a period of three (03) weeks from the date of receipt of a copy of this order. On receipt of such application/ complaint of the petitioner, the tribunal/ respondent No.3 is directed to consider the same and pass appropriate orders, within a period of six (06) weeks, thereafter, after following due procedure as contemplated under the CPC. There shall be no order as to costs.

As a sequel, miscellaneous applications pending, if any, shall also stand closed.

VENKATESWARLU NIMMAGADDA, J

Date:22.04.2026
BSP

08

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO.10797 OF 2026

Date:22.04.2026
BSP