



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

[3458]

**TUESDAY, THE SIXTH DAY OF MAY
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 11101 of 2025

Between:

Kurakula Jyothi

...Petitioner

AND

The State of Andhra Pradesh and others

...Respondents

Counsel for the Petitioner:

K B Ramanna Dora

Counsel for the Respondents:

GP for Revenue

The Court made the following order:

Learned counsel for the petitioner is permitted to take out personal notice to respondent Nos.4 and 5 through registered post with acknowledgment due and file proof of service in the Registry by the next date of hearing.

2. Post the matter on 26.06.2025.

I.A.No.1 of 2025

3. It is relevant to refer to the appropriate provisions of Section 2(a), 2(g), Section 4 & Section 23 of the Act, which reads as follows:

“Section 2(a): “children” includes son, daughter, grandson and grand-daughter but does not include a minor;

Section 2(g): “relative” means any legal heir of the childless senior citizen who is not a minor and is in possession of or would inherit his property after his death;

Section 4: Maintenance of parents and senior citizens:

(1) A senior Citizen including parent who is unable to maintain himself from his own earning or out of the property owned by him, shall be entitled to make an application under Section 5 in case of –

- (i) Parent or grand-parent, against one or more of his children not being a minor;
- (ii) A childless senior citizen against such of his relative referred to in clause (g) of Section 2.

Section 23: Transfer of property to be void in certain circumstances.-

(1) Where any senior citizen who, after the commencement of this Act, has transferred by way of gift or otherwise, his property, subject to the condition that the transferee shall provide the basic amenities and basic physical needs to the transferor and such transferee refuses or fails to provide such amenities and physical needs, the said transfer of property shall be deemed to have been made by fraud or coercion or under undue influence and shall at the option of the transferor be declared void by the Tribunal.

(2) Where any senior citizen has a right to receive maintenance out of an estate and such estate or part thereof is transferred, the right to receive maintenance may be enforced against the transferee if the transferee has notice of the right, or if the transfer is gratuitous; but not against the transferee for consideration and without notice of right.

(3) If, any senior citizen is incapable of enforcing the rights under sub-sections (1) and (2), action may be taken on his behalf by any of the organisation referred to in Explanation to sub-section (1) of section 5..”

4. *Prima facie*, from the above and from the records, it appears that the petitioner, who is daughter-in-law of the unofficial respondent No.4 would not

fall under any of the above definitions, as either 'children' or 'relative' of the senior citizen nor there is any finding by the Tribunal that the property has been transferred in favour of the petitioner herein by the senior citizen to exercise its jurisdiction under the provisions of the Act, against the petitioner.

5. Having regard to the same, there shall be an interim suspension of the impugned proceedings dated 09.04.2025.

JUSTICE KIRANMAYEE MANDAVA

BSK