

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

TUESDAY, THE SIXTH DAY OF MAY

TWO THOUSAND AND TWENTY FIVE



:PRESENT:

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

IA No. 1 OF 2025

IN

WP NO: 11101 OF 2025

Between:

Smt. Kurakula Jyothi, W/o Late Kurakula Kalyan Rao, Age about 45 years, Occ: Widow/ House wife, R/o D.No. 1-45, Near Ramalayam, Chadalada Village, Peddapuram Mandal, Kakinada District, Andhra Pradesh.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary to Government, Revenue Department, A P Secretariat Buildings, Velagapudi, Guntur District, Andhra Pradesh.
2. The District Collector, Kakinada District, Kakinada.
3. The Revenue Divisional Officer, The Tribunal for the Protection and Welfare of Parents and Senior Citizens, Kakinada, Kakinada District,
4. Smt.Kurakula Padmavathi, W/o late Atyutharamaiah, Age 76 Years, Flat No.303, D.No.70-2-143/A, Ramanaiahpetta, Kakinada, Kakinada District, Andhra Pradesh.
5. Sri Panchadi Chakraro, S/o Veeraswamy, Age: Major, Near Shivalayam, Ulimeswararn, Peddapuram Mandal, Kakinada District, Andhra Pradesh.

...Respondents

Counsel for the Petitioner: Sri. K B RAMANNA DORA

Counsel for the Respondent Nos. 1 to 3: GP FOR REVENUE

Petition under Section 151 CPC., is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant interim stay of all further proceedings of G/163/2025 Dated 09.04.2025 of the 3rd respondent pending disposal of the writ petition in the interest of justice

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order. (The receipt of this order will be deemed to be the receipt of notice in the case).

The Court made the following ORDER:

1. 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 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..”

2. *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.

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

Sd/- K.TATA RAO
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary to Government, Revenue Department, The State of Andhra Pradesh, A P Secretariat Buildings, Velagapudi, Guntur District, Andhra Pradesh. (BY SPECIAL MESSENGER)
2. The District Collector, Kakinada District, Kakinada.

3. The Revenue Divisional Officer, The Tribunal for the Protection and Welfare of Parents and Senior Citizens, Kakinada, Kakinada District,
4. Smt.Kurakula Padmavathi, W/o late Atyutharamaiah, Age 76 Years, Flat No.303, D.No.70-2-143/A, Ramanaiahpetta, Kakinada, Kakinada District, Andhra Pradesh.
5. Sri Panchadi Chakrarao, S/o Veeraswamy, Age: Major, Near Shivalayam, Ulimeswaram, Peddapuram Mandal, Kakinada District, Andhra Pradesh. (Addressee Nos. 2 to 5 BY RPAD)
6. One CC to Sri. K B RAMANNA DORA, Advocate [OPUC]
7. Two CCs to GP FOR REVENUE, High Court Of Andhra Pradesh. [OUT]
8. **One spare copy**

HIGH COURT

KM, J

DATED:06/05/2025

POST THE MATTER ON 26.06.2025.

ORDER

IA No. 1 OF 2025
IN
WP.No.11101 of 2025

INTERIM SUSPENSION

