

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

FRIDAY, THE EIGHTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 14205 OF 2026



Between:

1. Pothu Lalitha, W/o. Jagadeesh, aged about 45 years, R/o. 1 -46, SC Peta, Pithapuram, East Godavari District, Andhra Pradesh -533450.
2. Pothu Vindya Rani, D/o. Jagadeesh, aged about 17 years, Minor Rep by her mother The 1st Petitioner herein namely Pothu Lalitha, W/o Jagadeesh, R/o. 1-46, SC Peta, Pithapuram, East Godavari District, Andhra Pradesh -533450.

Petitioners

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Women, Children Disabled and Senior Citizens Department, Secretariat Buildings, Velagapudi Village, Tullur Mandal, Guntur District - 522238.
2. The Maintenance and Welfare of Parents and Senior Citizens, Tribunal- Cum- the Revenue Divisional Officer, Kakinada, Kakinada District, Andhra Pradesh - 533001.
3. The District Collector, Kakinada, Andhra Pradesh - 533001.
4. Smt Pothu Raju, W/o late P. Venkata Raju, Aged about 75 years, R/o. 1-46, SC Peta, Pithapuram, East Godavari district, Andhra Pradesh -533450.

Respondents

WHEREAS the Petitioners above named through their Advocate Sri Madhava Rao Nalluri presented this 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 Certiorari, calling for the records relating to Ref H/1215/2025 dated 05.01.2025, on the file of the Maintenance and Welfare of Parents and Senior Citizens Tribunal -Cum-the Revenue Divisional Officer, Kakinada, and quash the same, as illegal, arbitrary, without jurisdiction, contrary to the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and in violation of principles of natural justice.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri Madhava Rao Nalluri Advocate for the Petitioners and of GP for Women Dev Child Welfare for the Respondents No.1 & 2, directed issue of notice to the Respondent No.4 herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

Smt Pothu Raju, W/o late P. Venkata Raju, Aged about 75 years,
R/o. 1-46, SC Peta, Pithapuram, East Godavari district, Andhra Pradesh -533450.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this **WRIT PETITION** should not be admitted.

IA NO: 2 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 suspend the proceedings vide Ref H/1215/2025 dated 05.01.2025, on the file of the Maintenance and Welfare of Parents and Senior Citizens Tribunal -Cum-the Revenue Divisional Officer, Kakinada, pending disposal of WP No.14205 of 2026, on the file of the High Court.

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 dispense with filing of the certified copy of the order in Ref H/1215/2025 dated 05.01.2025 passed by the R.D.O, Kakinada, Pending disposal of WP No.14205 of 2026, on the file of the High Court.

The Court made the following: ORDER

“Issue notice to Respondent No.4, returnable in four weeks.

Learned counsel for the petitioners is permitted to take out notice to Respondent No.4 by registered post with acknowledgment due and file proof of service into the Registry within four weeks.

Post after Summer Vacation, 2026.

Heard learned counsel for the petitioner and perused the orders of the Tribunal dated 05.01.2025.

Petitioner No.1 herein is a widow and taking care of her only daughter – Petitioner No.2, aged 17 years. The petitioner is getting widow pension and Respondent No.4 mother of the petitioner also, getting old age pension as per the welfare schemes formulated by Respondent No.1.

Learned counsel for the petitioners submit that, after the death of her husband/son of Respondent No.4, the petitioners and Respondent No.4 have been living together since 2016 without there being any quarrel or hindrance and in a disciplined manner, but suddenly, Respondent No.4 made a complaint application on 09.12.2025 at the instance of her daughter to enjoy entire property by eviction of the petitioners from the property, which property is joint family property and held by father-in-law of Petitioner No.1 and husband of Respondent No.4, who died intestate.

He submits that, Petitioner No.1, being daughter-in-law is also entitled to share out of the subject joint family property, since her father-in-law died intestate leaving the only house property. Therefore,

on the guise of complaint/application by Respondent No.4, the petitioners' right of residence/home cannot be deprived of. He further submits that, right of daughter-in-law should be considered on par with the right of widow of property holder. Therefore, eviction of Petitioner No.1 and her minor daughter/Petitioner No.2 in the absence of any independent income by Petitioner No.1 is nothing but depriving the right of home, which amounts to an offence of domestic violence under the provisions of the Domestic Violence Act.

Considering the submissions made by learned counsel for the petitioner, this Court is of the considered opinion that, the right of residence/home of the petitioners should be a paramount right, the same should be practiced till further orders.

After considering the submissions made by learned counsel for the petitioner, this Court opines that the petitioners' right to residence/home should be protected till further orders.

Accordingly, there shall be an interim direction, directing the respondents not to evict the petitioners, from one portion or part of the house on the condition that the petitioners should stay away from the portion of the house occupied by Respondent No.4.

Further, if any further complaints are received from Respondent No.4 by Respondent No.3, the petitioners' right to home to be reconsidered, especially if their conduct creates any danger to the life of Respondent No.4.

Therefore, the respondents are hereby directed not to evict the petitioners from part of house portion occupied by them for a period of six weeks."

SD/-K.V.RAGHAVULU
ASSISTANT REGISTRAR

//TRUE COPY/

SECTION OFFICER

To,

1. The Principal Secretary, Women, Children Disabled and Senior Citizens Department, Secretariat Buildings, Velagapudi Village, Tullur Mandal, Guntur District - 522238. (By Special Messenger - along with a copy of petition and affidavit)
2. The Maintenance and Welfare of Parents and Senior Citizens, Tribunal- Cum- the Revenue Divisional Officer, Kakinada, Kakinada District, Andhra Pradesh - 533001.
3. The District Collector, Kakinada, Andhra Pradesh - 533001.
4. Smt Pothu Raju, W/o late P. Venkata Raju, Aged about 75 years, R/o. 1-46, SC Peta, Pithapuram, East Godavari district, Andhra Pradesh -533450. (Addressee Nos.2 to 4 By RPAD - along with a copy of petition and affidavit)
5. One CC to Sri Madhava Rao Nalluri Advocate [OPUC]
6. Two CCs to GP for Women Dev Child Welfare, High Court of A.P. [OUT]
7. One spare copy

HIGH COURT

NV,J

DATED:08/05/2026

Post after Summer Vacation, 2026

NOTICE BEFORE ADMISSION

WP.No.14205 of 2026

DIRECTION

