



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

[3458]

**MONDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 13813 of 2025

Between:

Juthuka Srinu and another

...Petitioners

AND

The State of Andhra Pradesh and others

...Respondents

Counsel for the Petitioners:

1.J.V.Phaniduth

Counsel for the Respondents:

1.GP for Women Development Child Welfare

2.GP for Home

3.GP for Revenue

The Court made the following order:

Learned counsel for the petitioners is permitted to take out personal notice to the unofficial respondent No.5 through registered post with acknowledgment due and file proof of service in the Registry by the next date of hearing.

2. List the matter on 14.07.2025.

I.A.No.1 of 2025

3. Heard the submissions of learned counsel for the petitioners.

4. The contention of the petitioners is that the application filed by unofficial respondent No.5 before respondent No.2 under the provisions of Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short 'the Act'), is not maintainable, inasmuch as the relief sought by respondent No.5 is the eviction of the petitioner from the subject property. It is contended that under the said provisions of the Act, the authority has no jurisdiction to order eviction.

5. The learned counsel for the petitioners further argues that, despite the legal limitations under Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, the 2nd respondent has proceeded to grant the relief of eviction, which, according to him, is beyond the scope of the said provision and therefore without jurisdiction. It is contended that, at best, an order for maintenance could have been passed.

6. Learned counsel for the petitioners relies on the judgment of the Hon'ble Apex Court in ***Samtola Devi vs. State of Uttar Pradesh***¹.

7. Having regard to the contentions advanced by the learned counsel for the petitioners, the matter requires consideration, after respective counter affidavit(s). List on 14.07.2025.

8. In the meanwhile, there shall be an interim suspension of the proceedings dated 08.05.2025.

JUSTICE KIRANMAYEE MANDAVA

BSK

¹ Civil Appeal No.4442 of 2025