

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
MONDAY, THE SIXTEENTH DAY OF JUNE

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

IA No. 1 OF 2025

IN

WP NO: 13813 OF 2025



Between:

1. Juthuka Srinu, S/o Appanna, aged about 39 years, R/o 17-1-29/2, 2nd floor, Seethampeta, Rajamahendravaram.
2. Juthuka Arjun, S/o Appanna, Aged about 37 years, R/o 17-1-29/2, a portion of ground floor Seethampeta, Rajamahendravaram.

...Petitioners

AND

1. The State Of Andhra Pradesh, Rep. by its Principal Secretary (Revenue), Secretariat buildings, Velagapudi, Amaravathi.
2. The Revenue Divisional Officer, Rajamahendaravarm division, Rajamahendravaram.
3. The Deputy Superintendent of Police, Central zone, Rajamahendravaram.
4. The Station House Officer, III Town, PS, Rajamahendravaram.
5. Juthuka Appanna, s/o Nukaiah, aged about 69 years, R/o 17-1-29/2, 1st floor, Seethampeta, Rajamahendravaram.
6. The District Women Development and Child welfare officer, East Godavari district, Rajamahendravaram.

...Respondent(s)

(Respondents in-do-)

Counsel for the Petitioners : SRI J.V.PHANIDUTH

Counsel for the Respondent Nos.1 & 2 : GP FOR REVENUE

Counsel for the Respondent Nos.3 & 4 : GP FOR HOME

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 SUSPEND the operation of proceedings dated 08.05.2025(received on 15.05.2025) in Ref.J/777 issued by the 2nd respondent, Pending disposal of WP No. 13813 of 2025, on the file of the High Court.

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

"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."

Sd/-B.CHITTI JOSEPH

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Principal Secretary (Revenue), State Of Andhra Pradesh, Secretariat buildings, Velagapudi, Amaravathi.
2. The Revenue Divisional Officer, Rajamahendaravarm division, Rajamahendravaram.
3. The Deputy Superintendent of Police, Central zone, Rajamahendravaram.
4. The Station House Officer, III Town, PS, Rajamahendravaram.
5. Juthuka Appanna, s/o Nukaiah, aged about 69 years, R/o 17-1-29/2, 1st floor, Seethampeta, Rajamahendravaram.
6. The District Women Development and Child welfare officer, East Godavari district, Rajamahendravaram.(1 to 6 By RPAD)
7. One CC to SRI. J.V.PHANIDUTH Advocate [OPUC]
8. Two CCs to GP FOR REVENUE, High Court Of Andhra Pradesh.
[OUT]
9. Two CCs to GP FOR HOME, High Court of Andhra Pradesh.[OUT]
10. One spare copy

ksr

HIGH COURT

KM, J

DATED:16/06/2025

List on 14.07.2025.

ORDER

IA NO.1 OF 2025

IN

WP.No.13813 of 2025

INTERIM SUSPENSION

