

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

TUESDAY, THE SEVENTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD
WRIT PETITION NO: 20368 OF 2024



Between:

Padmanabhuni Sairam Gupta, S/o Surya Rao, Age 40 yrs, R/o D.No.22-24/1,
Srinivasa Nagar, Simhachalam Road, Simhachalam Post, Pendurthi
Mandal.Visakhapatnam District.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary,
Department of Women Development and Child Welfare Secretariat,
Velagapudi, At Amaravati Guntur District.
2. The District Collector, Visakhapatnam District.
3. The R.D.O, Visakhapatnam-cum-Presiding Officer, Maintenance
Tribunal for Parents and Senior Citizens, Visakhapatnam District.
4. The Tahsildar, Pendurthi Mandai, Visakhapatnam District.
5. Padmanabhuni Suryarao, S/o Late Venkata Ramana, aged 68 years,
C/o Satyanarayana, D.No.21-135, Ward No.93, GVMC Area,
Venkatadri Nagar Colony, Srinivasa Nagar, Simhachalam,
Visakhapatnam- 530028, Visakhapatnam District.

...Respondents

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 an appropriate writ, order or direction, more particularly one
in the nature of Writ of Certiorari calling for the records pertains to the orders
of the 3rd respondent in D.Dis.No.12/2024/CS-2 dated 26/03/2024 where by
ordered to vacate and hand over possession of the House and Shop

Properties situated in D.No. 22- 24, Srinivasanagar, Vepagunta Gramapanchayat, Pendurthi Mandal, Visakhapatnam, to the 5th respondent herein without giving an opportunity of filing Objections/Counters by the petitioner, without considering the fact that the same was not purchased by him with his own earnings and the same was purchased with the money of mother of the petitioner which were given by her parents as Stridhana, as illegal, arbitrary, excessive exercise of jurisdiction vested under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 besides violation of principles of Natural Justice and to consequently to set aside the same, in the interest of justice.

IA NO: 1 OF 2024

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 grant interim stay of all further proceedings pursuant to the orders of the D.Dis.No.12/2024/CS-2 dated: 26/03/2024, including vacating and handing 3rd respondent in over possession of the House and Shop Properties situated in D.No. 22-24, Srinivasanagar, Vepagunta Gramapanchayat, Pendurthi Mandal, Visakhapatnam, to the 5th respondent, Pending disposal of WP 20368 of 2024, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri K Jyothi Prasad, Advocate for the Petitioner and of Sri Arjun Chowdary, Assistant Government Pleader, the Court made the following

ORDER:

“Heard Sri K.Jyothi Prasad, learned Counsel for the Petitioner and Sri Arjun Chowdary, learned Assistant Government Pleader.

2. The Impugned Order dated 26.03.2024 (Ex.P1) is passed by the Respondent No.3 herein. The Impugned Order would indicate that Notices were issued to the Respondent therein (present Writ Petitioner) but there is no mention of the Writ Petitioner having been given any time for filing Counter Affidavit.
3. Learned Counsel for the Petitioner would submit that the Writ Petitioner was not given any opportunity to place his version on record by filing a Counter Affidavit.
4. Having regard to the facts and circumstances of this case the Respondent No.3 is directed to furnish Written Instructions to the learned Assistant Government Pleader whether sufficient opportunity was given to the Writ Petitioner in filing his version. The Revenue Divisional Officer is directed to give detailed Written Instructions in this regard.
5. Learned Assistant Government Pleader is directed to communicate the gist of this Order to the Respondent No.3 forthwith.
6. Post on 20.09.2024, in the motion list."

SD/- V.SAVITHRI GOWRI
ASSISTANT REGISTRAR

//TRUE COPY//

For

SECTION OFFICER

To,

1. The Principal Secretary, State of Andhra Pradesh, Department of Women Development and Child Welfare Secretariat, Velagapudi, At Amaravati Guntur District.(by Special Messenger)
2. The District Collector, Visakhapatnam District.
3. The R.D.O, Visakhapatnam-cum-Presiding Officer, Maintenance Tribunal for Parents and Senior Citizens, Visakhapatnam District.
4. The Tahsildar, Pendurthi Mandai, Visakhapatnam District.

5. Padmanabhuni Suryarao, S/o Late Venkata Ramana, aged 68 years, C/o Satyanarayana, D.No.21-135, Ward No.93, GVMC Area, Venkatadri Nagar Colony, Srinivasa Nagar, Simhachalam, Visakhapatnam- 530028, Visakhapatnam District.(Addressee nos.2 to 5 by RPAD)
6. One CC to Sri K Jyothi Prasad, Advocate [OPUC]
7. Two CCs to GP for Women Development and Child Welfare, High Court of Andhra Pradesh. [OUT]
8. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT]
9. **One spare copy**

CVSS

HIGH COURT

GRKP,J

DATED:17/09/2024

Post on 20.09.2024, in the motion list

ORDER

WP.No.20368 of 2024

DIRECTION

