

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

**MONDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR**

:PRESENT:

THE HON'BLE 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 is filed 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.

IA NO: 1 OF 2024

Petition under Section 151 of 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 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 during the pendency of this writ petition., 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 SMT K JYOTHI PRASAD Advocate for the Petitioner, GP FOR WOMEN DEV & CHILD WELFARE for the Respondent No.1, Sri K.Arjun Chowdary, AGP for Revenue for respondent nos.2 & 4, the Court made the following.

ORDER

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

2. The contention raised by the Writ Petitioner herein is that, the Respondent No.3 has passed the Impugned Order (Ex.P.1) without affording an opportunity to the Writ Petitioner who was Respondent before him to file Counter Affidavit.

3. Learned Counsel for the Writ Petitioner has drawn the attention of this Court to the provisions of the Statute, which makes it mandatory to the Presiding Officer to grant an opportunity to the Respondent to file his or her version. Despite the fact that the specific direction was given by this Court vide Order dated 17.09.2024, the Respondent No.3 has furnished Written Instruction dated 23.09.2024, without answering specifically whether time was granted to the Writ Petitioner to file his version or not. Copy of the Written Instruction is also furnished to the learned Counsel for the Writ Petitioner. This Written Instruction is taken on record.

4. In this view of the matter, the Impugned Order dated 26.03.2024 (Ex.P.1) shall remain suspended until next listing.

5. Respondent No.3 is directed to transmit the original record and submit the same before this Court on the next date of hearing.

6. List the matter on 26.09.2024 in the Motion List.

7. Sri K. Arjun Chowdary, learned Assistant Government Pleader for Revenue is directed to convey the gist of this Order to the Revenue Divisional Officer (Respondent No.3) forthwith.”

Sd/-B.CHITTI JOSEPH
ASSISTANT REGISTRAR

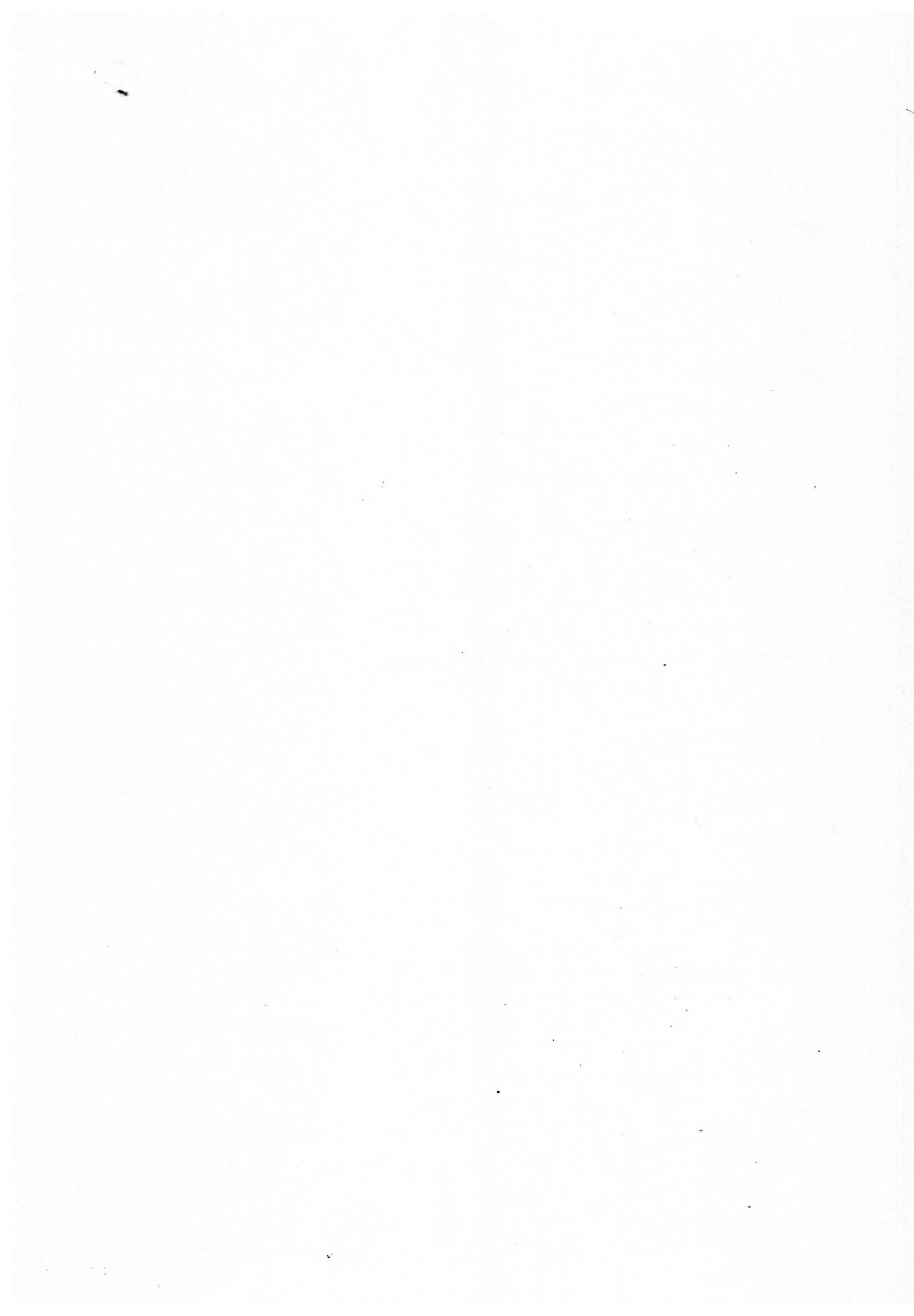
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SECTION OFFICER

To,

1. The Principal Secretary, Department of Women Development and Child Welfare, State Of Andhra Pradesh, 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. (2 to 5 by RPAD)
6. One CC to SRI. K JYOTHI PRASAD Advocate [OPUC]
7. Two CCs to GP FOR WOMEN DEV & 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**

ksr



HIGH COURT

GRKP, J

DATED:23/09/2024

List the matter on 26.09.2024 in the Motion List.

ORDER

WP.No.20368 of 2024

DIRECTION