



2026:CGHC:3832

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 5180 of 2025**

1 - Vikas Seth S/o Shri Raman Kumar Seth Aged About 45 Years R/o LIG -153, Chhattisgarh Girh Nirman Mandal Colony, Tatibandh, Raipur District - Raipur (C.G.)

2 - Smt. Sarika Seth W/o Shri Vikas Seth Aged About 42 Years R/o LIG -153, Chhattisgarh Girh Nirman Mandal Colony, Tatibandh, Raipur District - Raipur (C.G.)

... Petitioners**versus**

1 - The Appellate Tribunal/Collector District - Raipur (C.G.)

2 - The President Maintenance Tribunal And Sub Divisional Officer (Revenue) Raipur District- Raipur (C.G.)

3 - Shri Raman Seth S/o Shri Hariom Seth Aged About 71 Years R/o LIG -152-156 Chhattisgarh Girh Nirman Mandal Colony, Tatibandh, Raipur District - Raipur (C.G.)

4 - Smt. Sangita Seth W/o Shri Raman Seth Aged About 67 Years R/o LIG -152-156 Chhattisgarh Girh Nirman Mandal Colony, Tatibandh, Raipur District - Raipur (C.G.)

5 - Ku. Khushi Seth D/o Shri Vikas Seth R/o LIG -152-153 C.G. Housing Board Colony Tatibandh Raipur Tehsil And District - Raipur (C.G.)

... Respondents

For Petitioners : Mr. Rajesh Kumar Kesharwani, Advocate

For Respondents 1 & 2/ State : Mr. Arham Siddiqui, Panel Lawyer

For Respondents 3 & 4 : Mr. Md. Faruq Azam & Mr. Aamir Khan, Advocates

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)**Order on Board****22.01.2026**

1. With the consent of learned counsel for the parties, the matter is heard finally.

2. The petitioners have preferred this writ petition under Article 226 of the



Constitution of India, seeking following relief(s):-

- a. This Hon'ble Court may kindly be pleased to issue a writ in the nature of mandamus and quash the impugned order, dt. 23/05/2025 [Annexure-P/1] & order, dt. 11.08.2025 [Annexure-P/2].
- b. May kindly be pleased to allow any other relief as the Hon'ble Court may be deemed fit and proper with cost of petition.

3. Learned counsel for the petitioners submits that respondents No.3 and 4 are father and mother of petitioner No.1 respectively and petitioner No.2 is the wife of petitioner No.1. He further submits that respondents No.3 & 4 filed application before the Maintenance Tribunal/Sub Divisional Officer (Revenue), Raipur, under Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short 'the Act 2007') for eviction of the petitioners from their house. The case was listed as Revenue Case No.202208111000067/B-121, which has been allowed in favour of respondents No.3 & 4 vide impugned order dated 23.5.2025 (Annexure-P/1). Learned counsel next submits that the petitioners came to know about aforesaid order on 05.8.2025 and on the same day, they preferred appeal before the Appellate Tribunal/Collector, Raipur bearing No.202508110100001. He further submits that limitation prescribed under Section 16 of the Act 2007 to file appeal is 60 days, but since the petitioners came to know about aforesaid order belatedly, therefore, delay of 11 days occurred in filing the appeal. But only on this meager ground, the Appellate Tribunal/Collector dismissed the appeal filed by the petitioners vide Order dated 11.8.2025 (Annexure-P/2). Hence, he prays that this petition may be allowed by setting aside order dated 11.8.2025 and the matter may be remitted to the Appellate Tribunal/Collector to decide the case on its merits after providing due opportunity of hearing to the petitioners.



4. Per contra, learned counsel for respondents No.3 & 4 raised objection on the above submission. He submits that respondents No.3 & 4 have purchased the said house, where the petitioners are residing on the first floor and the respondents are residing on the ground floor. He next submits that despite having elderly parents, the petitioners are repeatedly harassing them physically and mentally and various complaints have also made against the petitioners in this regard. He lastly submits that the petitioners have unnecessarily caused delay in filing appeal, hence, the Appellate Tribunal/Collector has not committed any mistake in dismissing the appeal filed by the petitioners. Therefore, it is prayed that this petition may be dismissed.

5. Respondents No.3 & 4 are also present before this Court and have stated that the petitioners are harassing them on many counts and also used to assault them.

6. Though eviction order dated 23.05.2025 (Annexure-P/1) has been passed by the Maintenance Tribunal and as informed by learned counsel for the petitioners, stay application was also rejected by the Collector, despite that it was informed by both the parties that the petitioners have not been evicted from the said house.

7. In the instant case, the appeal preferred by the petitioners before the Appellate Tribunal/Collector, Raipur has been dismissed on the ground of barred by limitation of only 11 days. In catena of judgment by the Hon'ble Apex Court, it has been held that, if any order is passed against any a person, which has civil consequences, then principle of natural justice ought to have followed and due opportunity of being heard must be provided. The Hon'ble Apex Court, in the matter of **Maneka Gandhi v. Union of India, (1978) 1 SCC 248**, a seven-judge bench of Supreme Court held that any person prejudicially affected by a decision of the authority entailing civil



consequences must be given an opportunity of being heard. In view of aforesaid settled principle of law, petitioners are entitled to get opportunity of hearing prior to passing of aforesaid impugned order, by following principles of natural justice which has not been followed in instant case.

8. Having considered aforesaid facts and circumstances of the case and further considering the delay of 11 days in filing the appeal and also the law laid down by the Hon'ble Apex Court, without going into the merits of the case, impugned order dated 11.8.2025 (Annexure-P/2) passed by the Appellate Tribunal/Collector, Raipur is set aside, the delay in filing the appeal is condoned and the matter is remitted to the Appellate Tribunal/Collector, Raipur to restore the same and after providing due opportunity of hearing to both the parties, pass order afresh on its merits, in accordance with law. Since the matter pertains to senior citizens, therefore, the Appellate Tribunal/Collector, Raipur to decide the appeal expeditiously, preferably within 45 days from today. The petitioners are also directed to cooperate in the disposal of the appeal within aforesaid stipulated period without any hindrance. Any attempt by the petitioners to cause delay may result in strict action being taken against them.

9. With aforesaid observation and direction, the writ petition stands disposed of. Pending interlocutory application(s), if any, stands disposed of.

Sd/-

(Naresh Kumar Chandravanshi)

Judge