

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

FRIDAY, THE TWENTY SEVENTH DAY OF JUNE

TWO THOUSAND AND TWENTY FIVE

**:PRESENT:
THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY**

WRIT PETITION NO: 18211 OF 2025

Between:

1. Mohammed Ilyas, S/o. late Mohammed Abdul Rasheed, Aged 55 years, Occ Business
2. Smt. Kaiser Begum, W/o. Mohammed Ilyas, Aged 52 years, Occ Housewife Both residents of H.No.13-1-1158/89, Shibli Hills, Natraj Nagar, Asifnagar, Hyderabad

Petitioners

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue department, (Senior Citizens Welfare Department), Secretariat Buildings, Hyderabad
2. The Appellate Authority, under Maintenance and Welfare of Senior Citizens Act-cum- District Collector, Hyderabad
3. The Revenue Divisional Officer AND Sub- Divisional Magistrate and Tribunal, For Maintenance and Welfare of Parents and Senior Citizens Act, Hyderabad District
4. The Station House officer, P.S. Tappachbhutra, Hyderabad
5. Smt. Sardar Begum, W/o. late Mohammed Abdul Rasheed, Aged 75 years, Occ Housewife, H.No.13-1-1158/89, Shibli Hills, Natraj Nagar, Asifnagar, Hyderabad

Respondents

WHEREAS the Petitioners above named through their Advocate SRI.V YADU KRISHNA SAINATH presented this 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 Order, Direction or Writ, more particularly a Writ of Mandamus declaring the action of the Respondent No.3 in passing the impugned Order Dt.08.02.2025 thereby directing the petitioners to hand over ground floor of H.No. 13-1-1158/89, Shibli Hills, Natraj Nagar, Asif Nagar, Hyderabad as illegal, improper, unjust, arbitrary and violative of Art.21 of the Constitution of India and consequently set aside the same,

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri V YADU KRISHNA SAINATH Advocate for the Petitioner, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Principal Secretary, Revenue department, (Senior Citizens Welfare Department), State of Telangana, Secretariat Buildings, Hyderabad
2. The Appellate Authority, under Maintenance and Welfare of Senior Citizens Act-cum- District Collector, Hyderabad
3. The Revenue Divisional Officer AND Sub- Divisional Magistrate and Tribunal, For Maintenance and Welfare of Parents and Senior Citizens Act, Hyderabad District
4. The Station House officer, P.S. Tappachbuthra, Hyderabad
5. Smt. Sardar Begum, W/o. late Mohammed Abdul Rasheed, Occ Housewife, H.No.13-1-1158/89, Shibli Hills, Natraj Nagar, Asifnagar, Hyderabad

are directed to show cause on or before 07.08.2025 to which date the case stands posted as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

IA NO: 1 OF 2025

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 suspend the Order in Case No.D/1868/2024 Dt.08.02.2025 passed by the Respondent No.3, pending disposal of the above writ petition and pass, pending disposal of WP No. 18211 of 2025, on the file of the High Court.

**The Court made the following
ORDER:**

Notice before admission.

Learned Assistant Government Pleader for Revenue takes notice for respondent Nos.1 to 4 and seeks time to file counter affidavit.

Learned counsel for the petitioners is permitted to take out personal notice to respondent No.5 through 'RPAD' and file proof of service in the Registry by the next date of hearing.

It is stated that the petitioners are the children of respondent No.5. The case of the petitioners is that respondent No.5 herein filed an application

under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short 'the Act') before respondent No.3-Revenue Divisional Officer, seeking maintenance and other reliefs, and respondent No.3 vide order, dated 08.02.2025 in Case No.D/1868/2024, directed the petitioners to vacate the Ground Floor of H.No.13-1-1158/89, Shibli Hills, Natraj Nagar, Asifnagar, Hyderabad and handover to respondent No.5 within thirty days, and also made clear that if the parties are aggrieved by the said order, they are at liberty to prefer an appeal before the appellate authority i.e., the District Collector.

A careful reading of the impugned order reveals that the parties are at liberty to prefer an appeal before the appellate authority under Section 16 of the Act, 2007. Section 16 of the Act, 2007 entitles any senior citizen or a parent, as the case may be, who is aggrieved by an order of a Tribunal, to prefer an appeal to the Appellate Tribunal, within sixty days from the date of the order.

Admittedly, since there is no appeal provided to the children against the order passed by the Revenue Divisional Officer/Tribunal, whether an appeal is maintainable before the District Collector is required to be examined.

Pending further orders, there shall be interim suspension of order dated 08.02.2025 in Case No.D/1868/2024 passed by respondent No.3, subject to the petitioners paying an amount of Rs.10,000/- per month to respondent No.5 on or before 5th of every month. In the event of failure in remitting the said amount, the interim order granted by this Court, shall stand vacated automatically.

List on 07.08.2025.

//TRUE COPY//

SD/-MOHD.ISMAIL
DEPUTY REGISTRAR


SECTION OFFICER

To,

1. The Principal Secretary, Revenue department, (Senior Citizens Welfare Department), State of Telangana, Secretariat Buildings, Hyderabad
2. The Appellate Authority, under Maintenance and Welfare of Senior Citizens Act-cum- District Collector, Hyderabad

3. The Revenue Divisional Officer AND Sub- Divisional Magistrate and Tribunal, For Maintenance and Welfare of Parents and Senior Citizens Act, Hyderabad District
4. The Station House officer, P.S. Tappachbhutra, Hyderabad
5. Smt. Sardar Begum, W/o. late Mohammed Abdul Rasheed, Occ Housewife, H.No.13-1-1158/89, Shibli Hills, Natraj Nagar, Asifnagar, Hyderabad (RR1 to 5 by RPAD- along with a copy of petition and affidavit)
6. One CC to SRI. V YADU KRISHNA SAINATH Advocate [OPUC]
7. Two CCs to GP FOR WOMEN DEV CHILD WELFARE, High Court at Hyderabad. [OUT]
8. One spare copy

HIGH COURT

CVBRJ

DATED:27/06/2025

LIST ON:07.08.2025



NOTICE BEFORE ADMISSION

WP.No.18211 of 2025

SUSPENSION