HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE FIRST DAY OF MAY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HONOURABLE SMT JUSTICE RENUKA YARA

WRIT APPEAL NO: 468 OF 2025

Writ Appeal under clause 15 of the Letters Patent Writ preferred against the order dated 17/02/2025 in W P No. 14258 of 2022 and pass on the file of the High Court.

Between:

Smt. Konuganti Raghavarani, W/o: Shiva Prasad Raju, aged about 44 years, Occ. Agriculture, R/o H.No.20-115, Isalamapur, Miryalaguda Town, Nalgonda District.

...APPELLANT/RESPONDENT NO.6

AND

1. Smt. Konuganti Anasuya, W/o: Late Vedagirir Raju, Aged about 84 years, R/o H.No.20-115, Islamapur of Miryalaguda Town, Nalgonda District.

...WRIT PETITONER

2. The State of Telangana, Rep. by its Principal Secretary, Revenue and Social Welfare Department Hyderabad
3. The Collector and District Magistrate, Nalgonda.
4. The Revenue Divisional Officer And Tribunal Magistrate for Maintenance and Welfare of Senior Citizens and Parents, Miryalaguda Town, Nalgonda District.
5. The Sub-Divisional Police Officer, Miryalaguda Town, Nalgonda District.
6. The Station House Officer, Miryalaguda Town Police Station, Nalgonda District.

...RESPONDENTS/RESPONDENTS

7. Shiva Prasad Raju, S/o Late Vedagiri Raju, Aged about 54 years, Occ. Agriculture, R/o H.No.20-115, Islamapur, Miryalaguda Town, Nalgonda District.
8. K. Hanumantha Raju, S/o Late Vedagiri Raju, Aged about 66 years, R/o H.No.5-9-1101, Sadhu Bai Lane, Gunfoundry, Hyderabad.

9. K. Rama Krishna Raju, S/o Late Vedagiri Raju, aged about 50 years, R/o H.No.20-[illegible]4, Islamapur, Miryalaguda Town, Nalgonda District.

...RESPONDENTS/RESPONDENTS NO.7 TO 9

IA NO: 3 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 operation of the Proceedings vide A/3727/2020, dated 20.07.2021 issued by the 4th respondent and consequently to suspend the operation of the proceedings pursuant to the Orders dated 10.09.2021 in Proc.No.C1/6077/2021 which is passed/ by the 3rd respondent and any other consequential proceedings, pending disposal of the writ appeal.

Counsel for the Appellant: SRI RAPOLU BHASKAR

Counsel for the Respondent No.1: SRI V. MURALI MANOHAR

Counsel for the Respondent Nos.2,3 and 4: GP FOR REVENUE

Counsel for the Respondent Nos.5 and 6: SRI MAHESH RAJE GP FOR HOME

Counsel for the Respondent Nos.7 to 9:----

The Court made the following: ORDER

THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HON'BLE SMT. JUSTICE RENUKA YARA

WRIT APPEAL No.468 of 2025

JUDGMENT: *(Per the Hon'ble the Acting Chief Justice Sujoy Paul)*

Sri Rapolu Bhaskar, learned counsel for the appellant; Sri V.Murali Manohar, learned counsel for respondent No.1; and Sri Mahesh Raje, learned Government Pleader for Home, for respondent Nos.5 and 6.

2. With the consent, finally heard.

3. This *intra* Court appeal takes exception to the order passed by the learned Single Judge in W.P.No.14258 of 2022 dated 17.02.2025.

4. The relevant facts for adjudication of this writ appeal are that respondent No.1 (writ petitioner), who is the mother-in-law of the appellant, preferred an application before the Revenue Divisional Officer-cum-Special Tribunal, Miryalaguda, which was registered as case No.A/3727/2020 for maintenance. The said authority, by an order dated 20.07.2021, directed respondent Nos.7 to 9 to provide respondent No.1 the ground floor portion of

the house bearing No.20-115 to stay during her lifetime and her three sons were also directed to pay an amount of Rs.5,000/- per month to her and not to raise any objections in that regard. The appellant unsuccessfully challenged the said order in Appeal No.C1/6077/2021, which came to be dismissed on 10.09.2021.

5. Respondent No.1 filed W.P.No.14258 of 2022 seeking the following relief:

> "For the above mentioned reasons and those reasons which may be adduced at the time of hearing, it is therefore prays that the Hon'ble Court may be pleased to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the Respondent No.3 and 4 in implementing the orders passed by the Respondent No.2 dt.16-11-2021 in C1/6077/2021 and the action of the Respondent No.6 and 7 in demolishing the ground floor portion of the Petitioner's house as illegal, arbitrary highhanded in violation of basic human rights, in violation of the orders dated 20-07-2021 in Lr.No.A/3727/2020 orders dt.10-09-2021 in Appeal No.C1/6077/2021 in violation of rights guaranteed under the provisions of Welfare of Parents and Senior Citizens Act, 2007 with a consequential prayer to direct the Respondent No.2 and 3 to implement the orders passed by the Respondent No.2 dt.16-11-2021 in C1/6077/2021 and direct the Respondent No.6 and 7 to restore the ground floor portion of H.No.20-115, Islamapur of Miryalguda Town, Nalgonda District, Telangana and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

6. Learned Single, after hearing both the parties, issued the following directions:

"6. This writ petition has been pending since 2022. Till date, the unofficial respondents neither complied with the orders passed by the respondent Nos.2 and 3 nor filed counter affidavit opposing the writ petition. They have successfully dragged the matter all these years. The action of the respondent Nos.6 and 7 in demolishing the toilets in the ground floor portion of the petitioner's house rendering it uninhabitable and failing to provide basic necessities is highly deplorable. The respondent Nos.6 to 9 have shown lack of humanity by neglecting the petitioner in her old age and failing to provide her medical and basic needs. Under these circumstances, granting further time for filing counter affidavit or adjourning the case for any reason would only add to the hardship faced by the petitioner, who is a Senior Citizen.

7. Accordingly, this Writ Petition is allowed and the respondent Nos.3 and 4 are directed to forthwith implement the orders dated 16.11.2021 passed in Lr.No.C1/6077/2021 by the respondent No.2 and the Respondent No.6 to 9 are directed to restore the ground floor portion of House No.20-115, situated at Islamapur, Mirayalguda Town, Nalgonda District by constructing washroom and make it habitable for the petitioner and if necessary, the respondent No.5 shall provide necessary police protection. The respondent Nos.6 to 9 shall pay maintenance to the petitioner as directed by the Tribunal within a period of three (3) months from today. In the event, the respondent Nos.6 to 9 fail to comply the orders of this Court, the respondent No.3 shall take stringent action against them as permissible under the provisions of the Senior Citizens Act and file a compliance report in the Registry, within a period of three(3) months from today."

7. Learned counsel for the appellant raised two-fold submissions. Firstly, he submits that against the appellate order, the appellant and her husband filed W.P.No.30913 of 2021, which is pending consideration. Learned counsel for the appellant submits that the learned Single Judge was apprised about the

pendency of the said writ petition with a prayer to link both the matters, but no heed was paid to such a request. Secondly, by placing reliance on Section 11 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as, "the Act"), it is submitted that for enforcement of the order of maintenance, a different statutory mechanism is prescribed under the Act and therefore, the learned Single Judge was not justified in issuing the impugned order.

8. Per contra, learned Government Pleader for Home supported the impugned order. Learned counsel for respondent No.1 and the learned Government Pleader for Home both took a common stand that despite getting sufficient opportunity, the appellant did not file any counter and at no point of time informed the writ court regarding pendency of the appellant's writ petition against the aforesaid appellate order.

9. No other point is pressed by the learned counsel for the parties.

10. We have heard the learned counsel for the parties at length.

11. Admittedly, the appellant has not filed the counter affidavit before the writ court. On a specific query from the Bench, learned counsel for the appellant could not point out any pleading in the writ appeal, wherein the appellant pleaded that pendency of her writ petition was brought to the notice of the learned Single Judge with a request to link the matter and it was turned down. Thus, we find no reason to entertain such oral plea.

12. It is also noteworthy that the appellant filed review petition in I.A.No.1 of 2025 in W.P.No.14258 of 2022, which was dismissed on 15.04.2025. The appellant has not filed her review petition along with this writ appeal to show whether such a request was made in the review petition for hearing both the writ petitions analogously. In the absence of any material before us, we are unable to persuade ourselves with the line of argument of the learned counsel for the appellant that the appellant had brought to the notice of the learned Single Judge that her writ petition challenging the appellate order was, indeed, pending and deserves analogous hearing.

13. So far the ground relating to enforcement of the order of maintenance under Section 11 of the Act is concerned, no doubt,

there exists a statutory provision in the statute book, however, the said provision nowhere takes away the extraordinary jurisdiction of the writ court to take care of the grievance of respondent No.1, who succeeded way back on 16.11.2021, and the said order could not be translated into reality. Thus, we find no reason to interfere with the order of the writ court in our discretionary jurisdiction. However, liberty is reserved to the appellant to press her pending writ petition assailing the appellate order. The appellate order, needless to mention, will remain subject to the final outcome of her writ petition.

14. Accordingly, the writ appeal is **dismissed** with the aforesaid observations. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

SD/-N.RAJGOPAL
DEPUTY REGISTRAR

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SECTION OFFICER

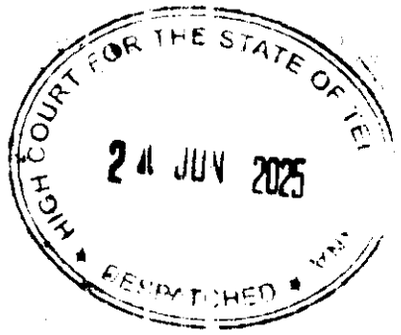
To,

1. One CC to Sri Rapolu Bhaskar, Advocate [OPUC]
2. One CC to Sri V. Murali Manohar, Advocate [OPUC]
3. Two CC to The GP for Home, High Court for the State of Telangana, at Hyderabad[OUT]
4. Two CC to The GP for Revenue, High Court for the State of Telangana, at Hyderabad[OUT]
5. Two CD Copies

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HIGH COURT

DATED:01/05/2025



JUDGMENT

WA.No.468 of 2025

DISMISSING THE WRIT APPEAL

WITHOUT COSTS

(9)
21/05/25