



CGHC010355102024



2026:CGHC:30326

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****Order Reserved on : 03.07.2026****Order Delivered on : 17.07.2026****WPC No. 5616 of 2024**

Ramdayal Sahu S/o Shri Daulatram Sahu, Aged About 65 Years Senior
Citized, Occupation-Retired Employee Of Nagar Panchayat-
Dharamjaigarh, Caste-Teli, R/o Village-Kanchanpur, Post Office-Teram,
Police Station And Tehsil- Gharghoda, District-Raigarh (C.G.)

... Petitioner**versus**

1 - The State Of Chhattisgarh Through The Secretary, Department Of
Revenue, New Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal
Nagar, District-Raipur (C.G.)

2 - The Secretary, Department Of Law And Legislature, New Mantralay,
Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District-Raipur (C.G.)

3 - The Secretary, Department Of General Administration, New
Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District-
Raipur (C.G.)

4 - The Collector Cum Appellate Tribunal (Under The Maintenance And
Welfare Of Parents And Senior Citizens Act, 2007), District-Raigarh
(C.G.)

5 - The Additional Collector Cum President Appeal Tribunal, (Under The
Maintenance And Welfare Of Parents And Senior Citizens Act, 2007),
District-Raigarh (C.G.)

6 - The Sub Divisional Officer (Rev.) Cum Maintenance Tribunal (Under The Maintenance And Welfare Of Parents And Senior Citizens Act, 2007), Gharghora, District-Raigarh (C.G.)

7 - Dharamdayal Sahu S/o Shri Daulat Sahu, Aged About 63 Years Agriculturist, Caste Teli, R/o Village-Kanchanpur, Post Office-Teram, Police Station And Tehsil- Gharghora, District-Raigarh (C.G.)

8 - Deendayal Sahu S/o Shri Daulat Sahu, Aged About 58 Years Agriculturist, Caste Teli, R/o Village-Kanchanpur, Post Office-Teram, Police Station And Tehsil-Gharghora, District-Raigarh (C.G.)

9 - Smt. Hemkunwar Widow Of Late Daulatram Sahu, Aged About 80 Years Occupation-Nil, Caste-Teli, R/o Village-Kanchanpur, Post Office-Teram, Police Station And Tehsil- Gharghora, District-Raigarh (C.G.)

--- Respondents

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. A.N. Bhakta and Mr. Vivek Bhakta, Advocates
For State/Respondents No.1 to 6	:	Mr. Anand Dadariya, Deputy Advocate General
For Respondents No.7 and 9	:	Mr. Ali Asgar, Advocate

Hon'ble Shri Amitendra Kishore Prasad, Judge

CAV Order

1. Heard Mr. A.N. Bhakta and Mr. Vivek Bhakta, learned counsel appearing for the petitioner. Also heard Mr. Anand Dadariya, learned Deputy Advocate General, appearing for the State/Respondents No. 1 to 6 as well as Mr. Ali Asgar, learned counsel appearing for respondents No.7 and 9.
2. By filing the present petition, the petitioner has called in question the legality and validity of the order dated 07.08.2024 passed by

Respondent No.6 (Additional Collector) in Misc. Case No. 202407043300011/B-121/2023-24, affirming the order dated 15.05.2024 of Respondent No.7, which arose out of the proceedings initiated pursuant to the order dated 12.11.2021, whereby the petitioner was directed to vacate the house situated over Abadi Land bearing Khasra No. 321/46, admeasuring 299 sq. m., situated at Village Kanchanpur, Tahsil Gharghoda, District Raigarh, in favour of Respondent No.9, along with imposition of costs of Rs.1,500/-. The petitioner submits that, in compliance with the impugned order, he voluntarily vacated the house on 06.09.2024; however, instead of Respondent No.9 taking possession, Respondent No.10 and his family members allegedly occupied the house in collusion with Respondent No.9 and are presently residing therein. The petitioner has prayed for following reliefs:-

“10.1 That the Hon'ble Court may kindly be pleased to call for the entire records of the case from the authorities concerned for its kind. Perusal.

10.2 That the Hon'ble Court may kindly be pleased to set aside the impugned order dated 07.08.2024 (ANN P-1), passed by the Respondent No.06 (Additional Collector) in Misc. Case No.202407043300011/B-121/2023-24, arising out of the order dated 15.05.2024 (ANN P-2) passed by the Respondent No.07, in Revenue Case No.

202404042600213/11/B-121/2023-24, and also arising out of the order dated 12.11.2021 (ANN P-3), passed by the Respondent No.07, vide order No. 2148/A.Vi.A./2024, in the interest of justice.

10.3 That the Hon'ble Court may kindly be pleased to direct the Respondent No.10 & his family members not to occupy the house in question, which is situated over Kh. No. 321/46, area 299 square meter, village Kanchanpur, Tahsil Gharghora, Distt. Raigarh (C.G.)

10.4 That the Hon'ble Court may kindly be pleased to grant any other relief as deems fit and proper under the facts and circumstances of the case, in the interest of justice.”

3. Brief facts of the case, are that, the petitioner, Ramdayal Sahu, is a retired employee of Nagar Panchayat, Dharamjaigarh and a senior citizen. Respondent No.6 is the Sub-Divisional Officer (Revenue), Gharghoda functioning as the Maintenance Tribunal under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short, 'Act of 2007') , whereas Respondent No.5 is the Additional Collector, Raigarh functioning as the Appellate Tribunal under the said Act. Respondents No.7 and 8 are the younger brothers of the petitioner and Respondent No.9, Smt. Hemkunwar, is the petitioner's mother.
4. The dispute pertains to Abadi land bearing Khasra No.321/46,

admeasuring 299 square metres, situated at Village Kanchanpur, Tahsil Gharghoda, District Raigarh. It is not in dispute that the land in question is Abadi land. According to the petitioner, the ancestral Abadi land had already been partitioned amongst the family members by order dated 21.11.2005 passed by the competent revenue authority, pursuant to which the petitioner came in possession of his allotted share. Subsequently, a residential house was constructed under the Pradhan Mantri Awas Yojana in the name of Respondent No.9.

5. Respondent No.9 initially submitted an application dated 25.10.2021 before the Maintenance Tribunal alleging that the petitioner had forcibly occupied the house constructed over Khasra No.321/46 and sought restoration of possession. On the basis of a joint enquiry conducted by the revenue authorities, Respondent No.6 passed an order dated 12.11.2021 directing eviction of the petitioner from the said house. Thereafter, Respondent No.9 again submitted an application dated 26.02.2024 seeking implementation of the earlier order, whereupon Revenue Case No.202404042600213/11/B-121/2023-24 was registered before the Maintenance Tribunal.
6. The petitioner appeared before the Maintenance Tribunal and objected to the maintainability of the proceedings, contending that the dispute related to title and possession over ancestral Abadi land, that all legal heirs were necessary parties, and that the

matter was already sub judice before the competent Civil Court. The petitioner further contended that the authorities exercising jurisdiction under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 could not adjudicate disputed questions of title and possession.

7. By order dated 15.05.2024, Respondent No.6 rejected the petitioner's objections and, while relying upon the earlier order dated 12.11.2021, directed the Tehsildar to remove the petitioner's possession from the house situated over Khasra No.321/46 and hand over possession thereof to Respondent No.9.
8. Aggrieved thereby, the petitioner preferred an appeal before Respondent No.5 under Section 16 of the Act of 2007. The petitioner reiterated that the disputed property formed part of the ancestral Abadi land already partitioned in the year 2005, that Civil Suit No.78-A/2023 seeking declaration of title, confirmation of possession and permanent injunction in respect of the disputed property was already pending before the Civil Judge, Class-I, Gharghoda, and that the Maintenance Tribunal had exceeded its jurisdiction in directing eviction from the disputed property.
9. By order dated 07.08.2024, Respondent No.5 dismissed the appeal, affirmed the order dated 15.05.2024 passed by the Maintenance Tribunal and further directed the petitioner as well as Respondents No.7 and 8 to pay maintenance of Rs.1,500/- per month each to Respondent No.9. The petitioner states that

although he complied with the appellate order and voluntarily vacated the house on 06.09.2024, immediately thereafter Respondent No.7 and his family members allegedly occupied the said house in collusion with Respondent No.9 and are presently residing therein, while Respondent No.9 herself is not residing in the disputed premises.

10. It is in the aforesaid circumstances that the petitioner has filed the present writ petition questioning the legality and validity of the orders dated 15.05.2024 and 07.08.2024 passed by Respondents No.6 and 5 respectively.
11. Mr. A.N. Bhakta and Mr. Vivek Bhakta, learned counsel appearing for the petitioner, would submit that the impugned order dated 07.08.2024 passed by Respondent No.6 (Additional Collector) in the capacity of Appellate Tribunal under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as "the Act of 2007"), affirming the order dated 15.05.2024 passed by Respondent No.7 (Maintenance Tribunal), is wholly without jurisdiction, contrary to the statutory scheme of the Act of 2007 and suffers from non-application of mind. It is contended that the authorities below have failed to appreciate the true nature of the dispute, which is not a simple dispute relating to maintenance or neglect of a senior citizen, but essentially a dispute relating to title, partition, possession and enjoyment of ancestral Abadi land amongst family members. They would

submit that the disputed property, i.e. Abadi land bearing Khasra No.321, situated at Village Kanchanpur, Tahsil Gharghoda, District Raigarh, was ancestral property jointly held by the petitioner, his mother (Respondent No.9) and his two brothers, namely Respondent Nos.7 and 8. The respective shares of the family members were already determined by the competent revenue authority in Revenue Case No.2A-66/2004-05 by order dated 21.11.2005 passed by the learned Tahsildar, Gharghora. Pursuant to the said partition proceedings, each of the co-sharers was allotted his respective share and the petitioner came into possession of the portion allotted to him.

12. Learned counsel would submit that once the shares of the parties stood determined by a competent authority in accordance with law, the Maintenance Tribunal constituted under the Act of 2007 could not have reopened or re-examined the issue of entitlement, title or possession of the respective co-sharers. It is argued that the Act of 2007 does not confer any jurisdiction upon the Maintenance Tribunal or the Appellate Tribunal to adjudicate complicated questions relating to ownership, partition, title or civil rights in respect of immovable property. Such issues fall exclusively within the domain of the competent Civil Court. It is further submitted that the petitioner has already instituted Civil Suit No.78-A/2023 before the Court of Civil Judge, Class-I, Gharghoda, seeking declaration of title, confirmation of possession and permanent injunction in respect of an area

admeasuring 5733 square feet situated over Abadi Khasra No.321. Along with the said suit, the petitioner had also filed an application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure seeking interim protection. Thus, when the civil rights of the parties were already pending adjudication before the competent Civil Court, the authorities under the Act of 2007 ought not to have ventured into deciding the very same dispute under the guise of proceedings for maintenance and welfare of senior citizens.

13. Learned counsel would submit that the proceedings initiated by Respondent No.9, the mother of the petitioner, were not in substance proceedings for grant of maintenance. Rather, the entire endeavour was directed towards obtaining possession of the disputed residential house and settlement of the property dispute between the family members. It is contended that Respondent No.9 initially filed an application dated 25.10.2021 before Respondent No.7 under the Act of 2007, pursuant to which an order dated 12.11.2021 came to be passed directing the petitioner to vacate the house. Thereafter, again an application dated 26.02.2024 was filed seeking implementation of the earlier order, resulting in passing of the order dated 15.05.2024. It is further submitted that the order dated 12.11.2021 was itself passed without affording proper opportunity of hearing to the petitioner and without adjudicating the petitioner's specific objection regarding partition of the property and his independent

rights flowing from the partition order dated 21.11.2005. It is argued that the subsequent order dated 15.05.2024 merely proceeded on the basis of the earlier order and did not independently consider the objections raised by the petitioner, including the pendency of the civil suit and the disputed nature of title and possession.

14. Learned counsel would vehemently submit that the authorities have selectively proceeded only against the petitioner, although Respondent Nos.7 and 8 are also sons of Respondent No.9 and are equally placed in respect of the alleged obligation towards their mother. It is contended that the petitioner himself is a senior citizen and is suffering from serious health issues, including severe paralysis and difficulty in movement, yet the Tribunal directed eviction only against him while no similar action was taken against the other family members. Such selective action, according to learned counsel, is arbitrary, discriminatory and contrary to the principles of fairness and equality.
15. Learned counsel would place reliance upon the judgment of the Hon'ble Supreme Court in ***Samtola Devi Vs. State of Uttar Pradesh and Others, 2025 INSC 404, decided on 27.03.2025*** and submit that the jurisdiction exercised by the authorities under the Act of 2007 is limited and cannot be extended to adjudicate disputed questions of title and ownership. It is submitted that the Hon'ble Supreme Court has categorically observed that although

in appropriate cases eviction may be ordered for protection of senior citizens, such power cannot be exercised mechanically and cannot be used to dispossess a person whose independent rights in the property are pending adjudication before the competent Civil Court.

16. Learned counsel would further submit that the Hon'ble Supreme Court has held that the Tribunal under the Act of 2007 is primarily concerned with maintenance and welfare of senior citizens and not with determination of civil rights relating to immovable property. It is argued that where a dispute regarding share, title or possession is pending before the Civil Court, the Tribunal cannot bypass such proceedings and grant eviction merely on the basis of an assertion made by one of the parties regarding ownership of the property. It is further submitted that the impugned order dated 07.08.2024 passed by Respondent No.6 is also without jurisdiction, as the appeal under Section 16 of the Act of 2007 could only be decided by the Appellate Tribunal constituted in accordance with Section 15 of the Act. Learned counsel would submit that the statutory provision requires the Appellate Tribunal to be presided over by an officer not below the rank of District Magistrate and the power conferred upon the Appellate Tribunal cannot be delegated to the Additional Collector unless specifically authorized by law. It is submitted that despite a direction issued by this Court on 12.12.2024 calling upon the State to explain the authority under which the Additional Collector exercised appellate

jurisdiction, no satisfactory explanation has been placed on record.

17. Learned counsel would further submit that the issue regarding exercise of powers by revenue officers as Maintenance Tribunal/Appellate Tribunal has already been considered by a Co-ordinate Bench of this Court in ***WP(227) No.217/2020 (Rajesh Yadav and others v. Shyam Lal Yadav)***, wherein it has been held that proceedings under the Act of 2007 must be conducted by duly constituted Tribunals and not by officers acting merely in their administrative capacity. It is submitted that any order passed by an authority lacking jurisdiction is void ab initio. They would further submit that pursuant to the impugned order dated 07.08.2024, the petitioner voluntarily vacated the disputed house on 06.09.2024 and a Panchnama was prepared. However, immediately thereafter, instead of Respondent No.9 occupying the premises, so-called family members allegedly entered into possession and started residing therein. According to learned counsel, this subsequent conduct itself demonstrates that the proceedings under the Act of 2007 were not initiated for securing the welfare or residence of the senior citizen, but were utilized as a means to secure possession for another family member.
18. Learned counsel would further submit that during the pendency of the present writ petition, allegations were repeatedly made before this Court that the petitioner was obstructing the pathway and

access to the house of his mother. Pursuant to the order dated 30.04.2026 passed by this Court, the Additional Tahsildar, Gharghora conducted spot inspection and submitted a report dated 17.06.2026 along with Panchnama dated 13.06.2026. The said report clearly records that no obstruction, fencing or any other construction was found at the site and that there was no restriction on movement towards the house of Respondent No.9. They would submit that the aforesaid spot inspection report completely belies the allegations levelled against the petitioner and demonstrates that false allegations were made only to prejudice the Court and to obtain favourable orders against the petitioner. It is submitted that the petitioner has throughout acted bona fide and has complied with the directions passed by the authorities, whereas the private respondents have attempted to convert the proceedings under the Act of 2007 into a mechanism for resolving a private family property dispute.

- 19.** Learned counsel would lastly submit that the petitioner is regularly paying the maintenance amount of Rs.1,500/- per month as directed by the Appellate Tribunal. Therefore, there is no issue regarding neglect or failure to maintain Respondent No.9. The only surviving dispute relates to possession and title over the immovable property, which cannot be decided by the authorities under the Act of 2007. The share and rights of all family members, including Respondent No.9, are required to be adjudicated only by the competent Civil Court. On the aforesaid grounds, learned

counsel appearing for the petitioner submits that the impugned orders dated 15.05.2024 and 07.08.2024 passed by Respondent Nos.7 and 6 respectively deserve to be quashed and set aside, being contrary to the statutory provisions, without jurisdiction and violative of the settled principles laid down by the Hon'ble Supreme Court.

- 20.** On the other hand, Mr. Anand Dadariya, learned Deputy Advocate General appearing for the State/respondents No.1 to 6, while vehemently opposing the submissions advanced on behalf of the petitioner, would submit that the impugned orders do not suffer from any illegality, perversity or jurisdictional error warranting interference in exercise of the extraordinary writ jurisdiction of this Court. It is submitted that the proceedings were initiated by Respondent No.9, an aged senior citizen, under the provisions of the Act of 2007, alleging that despite the house having been constructed in her name over Abadi land bearing Khasra No.321/46, the petitioner had forcibly occupied the same and deprived her of the right to reside therein. Pursuant to her complaint, a joint enquiry was conducted by the competent authorities and the enquiry committee categorically found that the petitioner was in unauthorized occupation of the house, on the basis whereof the order dated 12.11.2021 directing restoration of possession in favour of Respondent No.9 came to be passed. Since the said order had remained unimplemented for a considerable period, Respondent No.9 was constrained to again

approach the Maintenance Tribunal, which rightly proceeded to implement the earlier order by directing eviction of the petitioner from the disputed house.

- 21.** Learned Deputy Advocate General would further submit that the impugned order dated 15.05.2024 has rightly been passed by the Maintenance Tribunal in exercise of powers under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. It is contended that, upon due consideration of the material available on record and the enquiry report, the Tribunal found that Respondent No.9, an aged senior citizen, had been unlawfully deprived of possession of the residential house standing on Abadi land bearing Khasra No.321/46, which stood leased in her name. Accordingly, in consonance with the object and scheme of the Act, the Tribunal directed the petitioner to vacate the disputed house and hand over peaceful possession thereof to Respondent No.9 within the stipulated period. It is further submitted that the said order has rightly been affirmed by the Appellate Tribunal by order dated 07.08.2024, as no illegality or jurisdictional error was found in the findings recorded by the Maintenance Tribunal. The Appellate Tribunal, while confirming the order of eviction, has only modified the relief by exercising its powers under Section 16 of the Act and directed the petitioner as well as Respondents No.7 and 8, being the sons of Respondent No.9, to pay maintenance of Rs.1,500/- per month each to their mother. He would further submit that the Maintenance and Welfare of Parents and Senior

Citizens Act, 2007 is a beneficial and welfare-oriented social legislation enacted with the avowed object of ensuring maintenance, protection and welfare of parents and senior citizens, who, owing to the gradual disintegration of the traditional joint family system, are increasingly being neglected by their children and relatives. It is submitted that a large number of elderly persons, particularly widows, are deprived of financial support, proper care, shelter and medical assistance, thereby exposing them to physical, emotional and economic hardship. To address these growing social concerns, Parliament enacted the Act of 2007 with the object of providing a simple, speedy and inexpensive mechanism for securing maintenance, residence, protection of life and property, and other welfare measures for senior citizens. The Act also casts a statutory obligation upon children and relatives to maintain and look after their aged parents. It is, therefore, contended that the provisions of the Act deserve to be interpreted purposively so as to advance the object of the legislation rather than defeat it on hyper-technical or procedural grounds. According to the learned State counsel, the objections raised by the petitioner are purely technical in nature and cannot be permitted to frustrate the beneficial purpose sought to be achieved by the Act of 2007, particularly when the authorities have acted to secure the welfare and residential rights of an aged widow and senior citizen.

22. In reply to the objection regarding jurisdiction raised by the

petitioner, learned State counsel would further submit that the State Government, in exercise of the powers conferred under Section 15(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, has already issued Notification No. F-1-1/2009/S.W./26 dated 24.01.2009 constituting the Appellate Tribunal for deciding appeals under the Act of 2007. As per the said notification, the Appellate Tribunal consists of the District Collector as its Chairman, a female member nominated by the Chairperson of the Zila Panchayat, the Chief Medical and Health Officer, a senior citizen above the age of sixty years nominated by the Collector, and the Joint/Deputy Director (In-charge Deputy Director), Panchayat and Social Welfare of the District as the Coordinator. It is submitted that the appellate proceedings in the present case have been conducted in consonance with the statutory framework and the notification issued by the State Government. Merely because the appellate order has been signed and pronounced by the Additional Collector would not, by itself, render the order without jurisdiction, as the Additional Collector was duly authorized to discharge the functions of the Appellate Tribunal in accordance with the administrative arrangement prevailing in the district. It is further submitted that the petitioner has failed to establish that any prejudice has been caused to him on account of the appellate proceedings having been conducted in the aforesaid manner.

23. Learned Deputy Advocate General would further submit that the

constitution of the Maintenance Tribunal as well as the Appellate Tribunal under the Act of 2007 is strictly in accordance with the provisions of the Act, 2007 and the Notification dated 24.01.2009 issued by the State Government. It is submitted that the District Collector, being the Chairman of the Appellate Tribunal, is competent under the administrative set-up of the State to delegate or authorize the Additional Collector to discharge the functions of the Appellate Tribunal. Accordingly, the appeal preferred by the petitioner was rightly heard and decided by the Additional Collector, Raigarh, in discharge of the powers vested in the Appellate Tribunal. It is contended that such delegation is legally permissible and has not been shown to be contrary to any statutory provision or executive instruction governing the field.

- 24.** Learned State counsel would contend that once the Additional Collector was duly authorized to exercise the appellate powers on behalf of the Collector, the order dated 07.08.2024 cannot be said to be without jurisdiction merely because it has been passed by the Additional Collector. The petitioner has neither challenged the validity of the administrative authorization nor demonstrated any prejudice caused on account of the appeal having been decided by the Additional Collector. Therefore, the objection regarding lack of jurisdiction is wholly misconceived and deserves to be rejected. It is submitted that both the Maintenance Tribunal and the Appellate Tribunal have exercised their respective powers in accordance with the provisions of the Act of 2007 and the orders

passed by them do not suffer from any jurisdictional infirmity warranting interference by this Court.

- 25.** Mr. Ali Asgar, learned counsel appearing for Respondents No.7 and 9, while adopting the submissions advanced by the learned Deputy Advocate General, would further submit that the orders passed by the Maintenance Tribunal as well as the Appellate Tribunal are perfectly legal, justified and in consonance with the object and scheme of the Act of 2007. It is submitted that Respondent No.9 is an aged widow and senior citizen, who had been deprived of possession of the residential house standing over Abadi land bearing Khasra No.321/46 despite the lease and the house standing in her name. After considering the enquiry report and the material placed on record, the Maintenance Tribunal rightly directed restoration of possession in favour of Respondent No.9, which order has been affirmed by the Appellate Tribunal. The concurrent findings recorded by both the authorities are pure findings of fact based on appreciation of evidence and do not warrant interference by this Court in exercise of its extraordinary writ jurisdiction under Article 226 of the Constitution of India. He would further submit that the petitioner has deliberately attempted to convert a welfare proceeding under the Act of 2007 into a title dispute merely to defeat the legitimate rights of Respondent No.9. The pendency of the civil suit filed by the petitioner does not create any embargo on the exercise of jurisdiction by the authorities under the Act, particularly when no

interim protection has been granted by the competent Civil Court. It is further submitted that the Appellate Tribunal has rightly directed all the three sons of Respondent No.9, including the petitioner, to contribute towards the maintenance of their aged mother by paying Rs.1,500/- per month each, which is fully in accordance with the statutory obligation cast upon children under the Act.

- 26.** It is further submitted that the mere pendency of a civil suit instituted by the petitioner does not, in any manner, create a bar to the exercise of jurisdiction by the authorities under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. According to him, the Act of 2007 is a special, beneficial and welfare-oriented legislation enacted to provide immediate and effective protection to senior citizens against neglect, harassment and unlawful deprivation of their right to residence and maintenance. Therefore, the pendency of a civil proceeding relating to title or possession cannot defeat or postpone the statutory remedies available to a senior citizen under the Act. Learned counsel would further submit that even the petitioner's application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure seeking temporary injunction has already been rejected by the competent Civil Court and, therefore, there was no interim protection operating in favour of the petitioner which could have restrained the authorities from proceeding under the Act of 2007. He would further submit that both the Maintenance Tribunal

as well as the Appellate Tribunal have passed the impugned orders after considering the pleadings of the parties, the enquiry report and all the material available on record, and have concurrently recorded findings that Respondent No.9, an aged widow and senior citizen, was entitled to restoration of possession of the house standing on the land leased in her name. It is submitted that the impugned orders are fully in consonance with the provisions of the Act of 2007 and do not suffer from any jurisdictional error or legal infirmity warranting interference by this Court. Learned counsel lastly submits that the petitioner has already complied with the appellate order by voluntarily vacating the house in question and, presently, Respondent No.9 is residing in the said house. In such circumstances, no cause survives for interference in the exercise of writ jurisdiction and the petition deserves to be dismissed.

- 27.** Learned counsel appearing for Respondents No.7 to 9 would vehemently oppose the allegation of the petitioner that the proceedings under the Act of 2007 were initiated at the behest or instigation of Respondents No.7 and 8. It is submitted that such allegation is wholly baseless, unsupported by any cogent material and has been made only to divert attention from the real issue. According to the learned counsel, the proceedings were initiated solely at the instance of Respondent No.9, an aged widow and senior citizen, for protection of her statutory rights under the Act of 2007. The competent authorities, after conducting a detailed

enquiry and considering the material available on record, independently arrived at the conclusion that Respondent No.9 had been unlawfully deprived of possession of her residential house. Therefore, the petitioner's allegation that the entire proceedings were engineered at the behest of Respondents No.7 and 8 is liable to be rejected outright as being devoid of any factual or legal foundation. As such, the instant petition being devoid of merit, is liable to be dismissed.

- 28.** I have heard learned counsel appearing for the respective parties at considerable length and carefully perused the pleadings, the documents brought on record and the relevant statutory provisions governing the controversy involved in the present writ petition.
- 29.** From a meticulous perusal of the entire record of the case, the pleadings of the parties and the documents brought on record, this Court finds that the genesis of the dispute lies in the application preferred by Respondent No.9, Smt. Hemkunwar, an aged widow and senior citizen, under the provisions of the Act of 2007 alleging that she had been unlawfully deprived of possession of the residential house constructed in her name over Abadi land bearing Khasra No.321/46, admeasuring 299 square metres, situated at Village Kanchanpur, Tahsil Gharghoda, District Raigarh. The record would reveal that immediately after receipt of the complaint, the competent authorities caused a joint enquiry to

be conducted through the revenue as well as administrative officials. The enquiry report, after spot inspection and verification of the factual position, found that the petitioner was occupying the residential house claimed by Respondent No.9. Acting upon the said enquiry report, the competent authority passed an order dated 12.11.2021 directing restoration of possession of the residential house to Respondent No.9. Since the said order remained unimplemented for a considerable length of time, Respondent No.9 was constrained to once again invoke the jurisdiction of the Maintenance Tribunal by filing a fresh application seeking implementation of the earlier order.

30. From the material available on record, it is also evident that Respondent No.9, Smt. Hemkunwar, is the recorded lessee/pattadhar of the disputed Abadi land bearing Khasra No.321/46, admeasuring 299 square metres, situated at Village Kanchanpur, Tahsil Gharghoda, District Raigarh. It is not in dispute that the lease/patta in respect of the said land was granted in her favour by the competent authority and the same continues to remain valid and subsisting. The record further discloses that under the Pradhan Mantri Awas Yojana (Gramin), financial assistance for construction of a residential house was sanctioned in the name of Respondent No.9. Though the construction of the house was undertaken with the assistance and supervision of one of her sons, namely Respondent No.7, the beneficiary of the housing scheme continued to be Respondent

No.9 alone and the house was constructed exclusively for her residence and welfare. Thus, the residential house standing over the leased Abadi land was intended to provide shelter and security to Respondent No.9 in her old age. In such circumstances, the competent authorities were fully justified in protecting her right to occupy and reside in the said house by directing restoration of possession in her favour under the provisions of the Act of 2007.

- 31.** The record further reveals that during the proceedings before the Maintenance Tribunal, the petitioner was duly served with notice and afforded adequate opportunity to contest the proceedings. The petitioner not only filed his detailed objections questioning the maintainability of the proceedings but also raised all conceivable pleas including pendency of Civil Suit No.78-A/2023, alleged partition of the Abadi land, lack of jurisdiction of the Tribunal and non-joinder of necessary parties. The Maintenance Tribunal considered each of the objections so raised, examined the documents placed by both the parties and thereafter recorded a categorical finding that the earlier order dated 12.11.2021 had not been implemented and that no interim or final order had been passed by the competent Civil Court restraining the authorities from proceeding under the provisions of the Act of 2007. Consequently, by order dated 15.05.2024, the Maintenance Tribunal directed implementation of the earlier order by restoring possession of the residential house to Respondent No.9. Feeling

aggrieved, the petitioner preferred a statutory appeal before the Appellate Tribunal. The appellate authority again afforded full opportunity of hearing to the petitioner, independently examined the grounds urged in appeal and, upon re-appreciation of the entire material available on record, affirmed the findings recorded by the Maintenance Tribunal. The Appellate Tribunal further modified the order to the limited extent of directing the petitioner as well as Respondents No.7 and 8, being the sons of Respondent No.9, to pay maintenance of Rs.1,500/- per month each in favour of their aged mother in exercise of powers under Section 16 of the Act of 2007. It is also borne out from the record that in compliance with the appellate order, the petitioner voluntarily vacated the disputed residential house.

- 32.** The Act of 2007 plays a crucial role in promoting the well-being and dignity of senior citizens in India. It provides a legal framework for ensuring financial security, health care access and property protection for the elderly. By holding children and relatives accountable for the maintenance of their elderly family members, the act discourages neglect, abandonment and abuse of senior citizens. The Constitution of India also recognises the need for State intervention in taking measures to create suitable framework for the protection of elderly persons. As per the Article 41 under Directive Principles of State Policy: “the State shall, within the limits of its economic capacity and development, make effective provision for securing right to work, to education and to

public assistance in case of unemployment, old age, sickness and disablement and in other cases of undeserved want”.

- 33.** The Act of 2007 is based on the vision of Article 41 of the Constitution. It was enacted by the Parliament to protect the rights and interests of senior citizens and enable them to lead a life with dignity and respect. It further aims to provide a comprehensive framework for ensuring the well-being of senior citizens in India. The parliament enacted the Act of 2007 to uphold the dignity and respect of a senior citizen at the time of old age. State had serious concern about the challenges faced by the people in their old age. Apart from physical vulnerabilities, they face emotional and psychological challenges. On account of these frailties, they are totally dependent. The moral laws formulated through the legislation is necessary to rationalise the well-being of all in the society. The moral values that prevailed in the society in the past have been accepted as universal values. The State in its wisdom, considering the acceptance of these values, seeks to promote the common good through the Senior Citizens Act. These values carried duties and obligations. The preamble of the Act of 2007 underscores the need for effective provisions to secure the maintenance and welfare of parents and senior citizens, as guaranteed under the Constitution. Being a beneficial piece of legislation, it is necessary to interpret it liberally to ensure that the intent of the legislation is fulfilled and the rights and dignity of senior citizens are effectively protected.

34. The Supreme Court in ***S. Vanitha v. Deputy Commissioner, Bengaluru Urban District & Ors., (2021) 15 SCC 730***, while interpreting the provisions of the Act of 2007, recognized the statute as a social welfare legislation intended to protect the maintenance and welfare of senior citizens and observed that the remedies under the Act must be construed in a manner that furthers the legislative purpose of securing dignity, maintenance and protection to elderly parents and senior citizens.
35. Likewise, in ***Arun Kumar Nayyar v. State of Haryana & Ors., (2022) 6 SCC 629***, the Supreme Court reiterated that the purpose of the enactment is to ensure that senior citizens are not left destitute, neglected or at the mercy of their children or relatives, and that the provisions of the Act must be implemented in a manner consistent with its beneficial object.
36. It is true that the Act of 2007 is not a substitute for a civil suit for declaration of title and that the Maintenance Tribunal does not function as a civil Court for adjudication of complex questions of ownership. However, that is not the true issue which arose for determination before the Tribunal in the present case. A careful reading of the application preferred by respondent No. 3 before the Maintenance Tribunal would show that her grievance was essentially one of harassment, neglect, intimidation and disturbance of her peaceful possession and residence in the house in which she has admittedly been residing for decades. The relief sought by her was in the nature of protection of her person

and residence against the petitioners, who, according to her, had become a source of constant threat and mental harassment. The proceedings before the Tribunal were, therefore, not in the nature of a title suit, but were welfare proceedings initiated by an aged mother seeking protection against the conduct of her son and daughter-in-law. In such proceedings, the Tribunal was required to examine whether respondent No. 3, being a senior citizen, had established a case warranting protection of her residence and peaceful enjoyment of the property, and whether the continuance of the petitioners in the premises was inconsistent with such protection.

37. In ***Sudesh Chhikara v. Ramti Devi, 2022 SCC OnLine SC 1684*** in para 13, the Supreme Court made an observation as under; (SCC OnLine SC para 6)

“14. When a senior citizen parts with his or her property by executing a gift or a release or otherwise in favour of his or her near and dear ones, a condition of looking after the senior citizen is not necessarily attached to it. On the contrary, very often, such transfers are made out of love and affection without any expectation in return. Therefore, when it is alleged that the conditions mentioned in sub-section (1) of Section 23 are attached to a transfer, existence of such conditions must be established before the Tribunal.”

38. The Supreme Court of India in the recent case of ***Urmila Dixit vs.***

Sunil Sharan Dixit, (2025) 2 SCC 787, the Supreme Court clarified that Section 23 of Act of 2007 is not a standalone provision, as Section 23 of the Act of 2007 cannot be read in isolation as it directly reflects the statutory purpose of safeguarding senior citizens, thus demanding a purposive approach. The court held, if a gift deed does not explicitly mention maintenance, it should be interpreted pragmatically to prevent neglect of the elderly. The Hon'ble Court interpreted Section 23(1) of the Act of 2007 to hold that express condition in the deed may not be required and non-maintenance of a senior citizen per se would result in invoking the implied condition for which such gift or settlement deed has been executed by the senior citizen out of love and affection, which is relatable to human conduct. In the said judgment, the Supreme Court further clarified the scope of the Senior Citizens Act in paras 23, 24 and 25, which reads as under : (SCC p. 796, paras 23-25)

“23. The appellant has submitted before us that such an undertaking stands grossly unfulfilled and in her petition under Section 23, it has been averred that there is a breakdown of peaceful relations inter se the parties. In such a situation, the two conditions mentioned in Sudesh Chhikara case must be appropriately interpreted to further the beneficial nature of the legislation and not strictly which would render otiose the intent of the legislature. Therefore, the Single Judge of the High Court and the Tribunals below had rightly held the

Gift Deed to be cancelled since the conditions for the well-being of the senior citizens were not complied with. We are unable to agree with the view taken by the Division Bench, because it takes a strict view of a beneficial legislation.

24. Before parting with the case at hand, we must clarify the observations made vide the impugned order¹ qua the competency of the Tribunal to hand over possession of the property. In S. Vanitha v. Commr., (2021) 15 SCC 730, this Court observed that Tribunals under the Act may order eviction if it is necessary and expedient to ensure the protection of the senior citizen. Therefore, it cannot be said that the Tribunals constituted under the Act, while exercising jurisdiction under Section 23, cannot order possession to be transferred. This would defeat the purpose and object of the Act, which is to provide speedy, simple and inexpensive remedies for the elderly.

25. Another observation of the High Court that must be clarified, is Section 23 being a standalone provision of the Act. In our considered view, the relief available to senior citizens under Section 23 is intrinsically linked with the statement of objects and reasons of the Act, that elderly citizens of our country, in some cases, are not being looked after. It is directly in furtherance of the objectives of the Act and empowers senior citizens to secure their rights promptly when they transfer a property subject to the condition of being

maintained by the transferee.”

39. Further, in the matter of ***Kamalakant Mishra vs. Additional Collector and Others***, 2025 SCC OnLine SC 2077, the Supreme Court emphasized that the provisions of the Act of 2007 must be construed in a manner that meaningfully protects the life, property and dignity of senior citizens, and upheld the authority of the Tribunal/Appellate Authority to secure eviction of children/legal heirs whose occupation had become detrimental to the senior citizens' peaceful enjoyment of their own property. The ratio emerging from the aforesaid decisions is that the power of the Tribunal cannot be reduced to a sterile power to merely award money; where the facts justify, the Tribunal can grant effective relief to secure the senior citizen's right to live peacefully and with dignity. Relevant para reads as under:-

“7. The framework of the Act clearly notes that the law was enacted to address the plight of older persons, for their care and protection. Being a welfare legislation, its provisions must be construed liberally so as to advance its beneficent purpose. This Court on several occasions has observed that the Tribunal is well within its powers to order eviction of a child or a relative from the property of a senior citizen, when there is a breach of the obligation to maintain the senior citizen.² In the present case, despite being financially stable, the respondent has acted in breach of his statutory obligations in not allowing the

appellant to reside in the properties owned by him, thereby frustrating the very object of the Act. High Court fell in error in allowing the writ petition on a completely untenable ground.”

40. In the considered opinion of this Court, when the proceedings initiated under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 are examined in their proper statutory perspective, the principal contention raised by the petitioner that the Maintenance Tribunal and the Appellate Tribunal had no authority to pass any order affecting possession of the disputed residential premises merely because the question of title and share is pending adjudication before the Civil Court, requires careful consideration. It is true that the object of the Act of 2007 is not merely confined to grant of monetary maintenance, but the provisions contained therein empower the authorities constituted under the Act to issue appropriate directions necessary for ensuring the welfare, protection and dignity of senior citizens.
41. However, in the present case, the dispute is not confined to a mere claim of maintenance by Respondent No.9/mother of the petitioner. The material available on record indicates that the property in question forms part of the ancestral Abadi land jointly held by the petitioner, Respondent No.9 and the other co-sharers, and their respective shares had already been determined by the Tahsildar, Gharghora in Revenue Case No.2A-66/2004-05 vide order dated 21.11.2005. The petitioner has also instituted Civil Suit No.78-A/2023 before the competent Civil Court seeking

declaration of title, confirmation of possession and permanent injunction in respect of the disputed property, wherein the rights and shares of the parties are yet to be finally adjudicated.

- 42.** Therefore, while considering the scope of jurisdiction under the Act of 2007, the authorities were required to examine whether the direction for eviction of the petitioner was necessary for protecting the welfare and residence of the senior citizen or whether such direction would virtually amount to deciding the disputed civil rights between the family members. The proceedings under the Act cannot be permitted to become a substitute for adjudication of complicated questions relating to title, partition and possession, which are matters falling within the exclusive jurisdiction of the Civil Court. At the same time, the protective object of the Act requires the Court to balance the rights of the senior citizen with the pending civil rights of the parties and to ensure that the dignity, residence and maintenance of the senior citizen are adequately safeguarded.
- 43.** In ***S. Vanitha (supra)***, the Supreme Court observed that the Tribunal under the Act of 2007 may, where necessary and expedient, mould relief so as to protect the senior citizen and ensure that the statutory object is not defeated.
- 44.** Reverting to the facts of the present case, it is evident from the record that Respondent No.9-Smt. Hemkunwar, is an aged widow and senior citizen, who approached the Maintenance Tribunal

alleging that she was deprived of peaceful possession and enjoyment of the residential house situated over Abadi land bearing Khasra No.321/46, area 299 square metres, Village Kanchanpur, Tahsil Gharghoda, District Raigarh. It is not in dispute that the said Abadi land stands recorded in the name of Respondent No.9 and the residential house was constructed thereon for her residence and welfare. The material available on record further indicates that the said house was constructed under the Pradhan Mantri Awas Yojana (Gramin), wherein Respondent No.9 was the beneficiary.

- 45.** The grievance raised by Respondent No.9 before the Maintenance Tribunal was, therefore, not merely a dispute regarding ownership of the property but was essentially a complaint regarding deprivation of shelter, security and peaceful residence during her old age. The enquiry conducted by the competent authority revealed that the petitioner was occupying the said residential premises.
- 46.** Acting upon the enquiry report, the Maintenance Tribunal passed an order dated 12.11.2021 directing restoration of possession in favour of Respondent No.9. The said order remained unimplemented for a considerable period, compelling Respondent No.9 to approach the Tribunal once again, which ultimately resulted in passing of the order dated 15.05.2024.
- 47.** It is true that the Act of 2007 cannot be treated as a substitute for

proceedings before a Civil Court for declaration of title or adjudication of complicated questions relating to ownership, partition or inheritance. The Maintenance Tribunal does not exercise the jurisdiction of a Civil Court. However, in the present case, the question which fell for consideration before the authorities was not the final determination of title between the parties, but whether the residential protection and welfare of an aged mother, who claimed deprivation of her residence, required intervention under the provisions of the Act of 2007.

48. The contention of the petitioner that since the partition proceedings had already taken place before the Tahsildar, Gharghora in Revenue Case No.2A-66/2004-05 and since Civil Suit No.78-A/2023 is pending before the Civil Court, the authorities under the Act of 2007 were completely divested of jurisdiction, cannot be accepted in absolute terms. The pendency of civil proceedings regarding property rights does not ipso facto take away the limited protective jurisdiction conferred upon the authorities under the Act of 2007, particularly when the proceedings are initiated for securing the immediate welfare and protection of a senior citizen.
49. In ***Sudesh Chhikara*** (supra), the Hon'ble Supreme Court observed that the authorities under the Act of 2007 are required to examine whether the statutory requirements for granting relief are satisfied and that the beneficial object of the legislation cannot be defeated by adopting a hyper-technical approach. The Court

emphasized that the provisions of the Act are intended to protect senior citizens from neglect and deprivation and must be applied keeping in view the purpose for which the enactment has been brought into force.

50. Further, in ***Urmila Dixit*** (supra), the Hon'ble Supreme Court reiterated that the provisions of the Act of 2007 cannot be interpreted in a narrow manner which defeats the very object of the legislation. The Court held that the Act has to be construed purposively so as to provide an effective remedy to senior citizens and to ensure that their dignity and welfare are protected. It was further observed that the jurisdiction of the Tribunal cannot be reduced to a mere power of awarding maintenance where circumstances require effective protective measures.
51. Likewise, in ***Kamalakant Mishra*** (supra), the Hon'ble Supreme Court emphasized that the provisions of the Act of 2007 must be interpreted in a manner which meaningfully protects the life, property and dignity of senior citizens. The Court recognized that where the occupation of a child or relative becomes detrimental to the peaceful enjoyment of property by a senior citizen, the authorities under the Act are empowered to issue appropriate directions to secure such protection.
52. Applying the aforesaid principles to the facts of the present case, this Court finds that the order passed by the Maintenance Tribunal was not an adjudication of the final civil rights of the petitioner and

Respondent No.9. The order was passed in exercise of the limited protective jurisdiction under the Act of 2007 with the object of ensuring that Respondent No.9, being an aged widow and senior citizen, is able to reside peacefully and with dignity in the residential premises claimed by her.

- 53.** At the same time, it is required to be clarified that the findings recorded by the authorities under the Act of 2007 or by this Court in the present proceedings shall not determine or prejudice the rights of the parties in Civil Suit No.78-A/2023 pending before the competent Civil Court. The question regarding title, share, validity of partition proceedings dated 21.11.2005 and other civil rights of the parties shall be decided by the Civil Court in accordance with law. As the powers of the Collector have duly been delegated to the Additional Collector in accordance with law, the Additional Collector was fully competent to exercise such delegated authority. Consequently, the order passed by the Additional Collector cannot be said to be without jurisdiction or suffering from any jurisdictional infirmity. The impugned order, having been passed within the four corners of the authority so delegated, does not warrant interference on the ground of lack of jurisdiction.
- 54.** Thus, keeping in view the beneficial object of the Act of 2007, the status of Respondent No.9 as an aged widow and senior citizen, the nature of grievance raised before the Maintenance Tribunal and the principles laid down by the Hon'ble Supreme Court in the aforesaid judgments, this Court is of the considered opinion that

the authorities below cannot be said to have acted beyond the jurisdiction vested in them while passing appropriate directions for protection of Respondent No.9.

- 55.** Consequently, the impugned orders dated 15.05.2024 passed by the Maintenance Tribunal and dated 07.08.2024 passed by the Appellate Authority do not suffer from any jurisdictional error, perversity or violation of the principles of natural justice warranting interference under Article 226 of the Constitution of India.
- 56.** Accordingly, the writ petition, being devoid of substance, deserves to be and is hereby **dismissed**. No order as to costs.

Sd/-

(Amitendra Kishore Prasad)
Judge

Yogesh

The date when the judgment is reserved	The date when the judgment is pronounced	The date when the judgment is uploaded on the website	
		Operative	Full
03.07.2026	17.07.2026	-----	17.07.2026