APHC010319312026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3330]
(Special Original Jurisdiction)

WEDNESDAY, THE 30th DAY OF SEPTEMBER 2026

PRESENT
THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION Nos.17436 and 27730 of 2026

WRIT PETITION No.17436 of 2026:
Between:

1. RAMAKURI KIRTHIN, S/O LATE RAJ KUMAR, AGED ABOUT 17 YEARS, R/O.D.NO.18-413, BAPU NAGAR, NUZVID, ELURU DISTRICT, 521201 BEING MINOR REP. BY HIS GUARDIAN AND MOTHER I.E., RAMAKURI NIRMALA KUMARI /2ND PETITIONER.
2. RAMAKURI NIRMALA KUMARI,, W/O LATE RAJ KUMAR, AGED ABOUT 47 YEARS. HOUSE-WIFE, R/O.D.NO.18-413, BAPU NAGAR, NUZVID, ELURU DISTRICT. 521201

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY, WOMEN DEVELOPMENT AND CHILD WELFARE DEPARTMENT, A.P. SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT. 522238
2. THE DISTRICT COLLECTORCUMDISTRICT EXECUTIVE MAGISTRATE, APPELLATE TRIBUNAL (MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZEN ACT, 2007) COLLECTORATE, ELURU DISTRICT.534006
3. THE MAINTENANCE TRIBUNAL, REP. BY PRESIDING OFFICER SUB COLLECTOR, NUZVID, ELURU DISTRICT 521201
4. THE SUPERINTENDENT OF POLICE, ELURU, ELURU DISTRICT. 534001
5. THE TAHSILDAR, NUZVID, ELURU DISTRICT. 521201
6. THE STATION HOUSE OFFICER, NUZVID TOWN POLICE STATION, ELURU DISTRICT.521201
7. RAMAKURI SILUVESAMMA, W/O LATE GEORGE, AGED

ABOUT 62 YEARS, R/O. NUZVID TOWN, ELURU DISTRICT. 521201

8. RAMAKUMARI SUJATHA, W/O LATE CHENNAKESAVA RAO, AGED ABOUT 47 YEARS, R/O BAPU NAGAR, NUZVID TOWN, ELURU DISTRICT. 521201

...RESPONDENT(S):

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 Writ of Certiorari by calling the records pertains to Order in R.C.No.F/1386/2026 the file of the Respondent No.3 in Cancellation of Gift dated 04-04-2026 on Deed, Vide Document No.1838/2021 dated on 19-03-2021 on the file of the Nuzvid, thereby handover the possession of theJoint Sub-Registrar, Petitioners to Respondent Nos. 7 and 8 of R.C.C. residential building situated in an extent of 260 Sq.yds in R.S.No.750/2, D.No.18-413, Nuzvid, Eluru District which IS illegal, irregular, arbitrary, unconstitutional against to the Principles of Natural Justice, contrary to the Provisions of Maintenance and Welfare of and Senior Citizen Act, 2007 and in violation of Article 14, 19, 21 and Parents 300-A of Constitution of India, consequently. Quash the order passed by Respondent No.3 in R.C.No.F/1386/2026 dated 04-04-2026 thereby direct the Respondents to open the locks kept for the R.C.C. residential building situated in an extent of 260 Sq.yds in R.S.No.750/2, D.No.18-413, Nuzvid, Eluru District further not to interfere with the peaceful possession and enjoyment of the Petitioners over the R.C.C. residential building situated in an extent of 260 Sq yds in R.S.No.750/2, D.No.18-413, Nuzvid, Eluru District.

Counsel for the Petitioner(S):

1. NARASIMHA RAO GUDISEVA

Counsel for the Respondent(S):

1. GP FOR WOMEN DEV CHILD WELFARE
2. GP FOR HOME
3. GP FOR REVENUE

WRIT PETITION No.27730 of 2026:

Between:

1. RAMAKURI SUJATHA,, W/O. LATE ETURI CHENNAKESAVA RAO, AGED ABOUT 45 YEARS, R/O. 18-413, BAPU NAGAR, NUZVID, NUZVID MANDAL ANDHRA PRADESH.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS SECRETARY, WOMEN DEVELOPMENT AND CHILD WELFARE, A.P. SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT, .5AILA 3'3 ANDHRA PRADESH-522237
2. THE SUBCOLLECTOR AND SUBDIVISIONAL MAGISTRATE, NUZVID DIVISION, NUZVID, ELURU DISTRICT-521201
3. THE TAHSILDAR, NUZVID MANDAL, ELURU DISTRICT-521201
4. THE STATION HOUSE OFFICER, NUZVID TOWN POLICE STATION, ELURU DISTRICT-521201
5. RAMAKURI KIRTHIN, S/O. LATE RAJ KUMAR, RIO. NEHRUPET, NEAR TOWN CHURCH, NUZVID, ELURU DISTRICT-521201
6. RAMAKURI NIRMALA KUMARI, W/O. LATE RAJ KUMAR, RIO. NEHRUPET, NEAR TOWN CHURCH, NUZVID, ELURU DISTRICT-521201

...RESPONDENT(S):

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 a Writ of Mandamus or any other appropriate Writ, Order, or Direction, declaring the proceedings of the 2nd Respondent bearing Rc.No.F/1386/2026, dated 18/09/2026, as arbitrary, illegal, ultra vires the powers of the 2nd Respondent, as unjust and as unsustainable and consequently set aside the said proceedings with further directions to the Respondents not to interfere with the possession and enjoyment of the Petitioner, of the Residential House bearing Door No. 18-413 and Municipal Assessment No. 1071007230, at Bapu Nagar, Nuzvid Town, in any manner what so ever.

Counsel for the Petitioner:

1. S N CHIDAMBARA SASTRY

Counsel for the Respondent(S):

1. GP FOR WOMEN DEV CHILD WELFARE
2. GP FOR HOME
3. GP FOR REVENUE

The Court made the following:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION Nos.17436 and 27730 of 2026

COMMON ORDER:

The issue in both the Writ Petitions is similar and arising out of the order dated 04.04.2026 in R.C.No.F/11386/2026 of the 3rd respondent in W.P.No.17436 of 2026. Hence, this Court is inclined to dispose of both the Writ Petition by way of this common order.

2. Shorn of all unnecessary facts, the brief facts of the case are that, one Ramakuri Siluvesamma has executed registered gift deed dated 08.10.2020 in favour of her daughter Ramakumari Sujatha. Subsequently, the same Ramakuri Siluvesamma has executed another registered gift deed dated 19.03.2021 in favour of Ramakuri Kirthan.

3. As the matter stood thus, Ramakuri Siluvesamma has invoked the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short, 'the Senior Citizens Act') against the mother of Ramakuri Kirthan, in whose favour, Ramakuri Siluvesamma executed registered gift deed. The said Ramakuri Kirthan was not a party to the proceedings before the Maintenance Tribunal. However, the 3rd respondent-Maintenance Tribunal has disposed of the application filed under Section 5 of the Senior Citizens Act, 2007, vide order dated 04.04.2026 and directed the Sub-Registrar to cancel the gift

deed executed by Ramakuri Siluvesamma. The said order is under challenge before this Court in W.P.No.17436 of 2026.

4. This Court, vide order dated 03.07.2026, in I.A. No.1 of 2026 in W.P.No.17436 of 2026, has suspended the proceedings of the 3rd respondent/Tribunal in R.C.No.F/1386/2026 dated 04.04.2026. Following the suspension order issued by this Court, the 3rd has directed the Tahsildar to break open the lock and to hand over the possession to the writ petitioners in W.P.No.17436 of 2026, vide order 18.09.2026. The order dated 18.09.20206 of the 3rd respondent was challenged in W.P.No.27730 of 2026, primarily, on the ground that the interim prayer of the writ petitioners in W.P.No.17436 of 2026 was solely to suspend the proceedings of the 3rd respondent's order dated 04.04.2026 and that the 3rd respondent had made error in ordering to hand over the possession to the petitioners in W.P.No.17436 of 2026.

5. Indeed, the proceedings of the 3rd respondent/Tribunal dated 04.04.2026 in R.C.No.F/1386/2026 in cancelling the gift deed that executed by the Siluvesamma (Senior Citizen) is not binding on the 1st petitioner in W.P.No.17436 of 2026 i.e., Ramakuri Kirthin, because the

minor was not made party to the proceedings dated 04.04.2026 and cannot be enforced against the minor.

6. Both the learned counsel reported that the senior citizen Siluvesamma died on 24.08.2026. The instant Writ Petition No.17436 of 2026 is filed challenging the order dated 04.04.2026 in R.C.No.F/1386/2026 on the file of 3rd respondent that obtained by 7th respondent stands abated with the death of 7th respondent. Interim orders dated 03.07.2026 stands merged with order of dismissal. Hence, W.P.No.17436 of 2026 stands abated. However, the order passed by the Tribunal against the minor son Kirthan is not binding as he was not made as a party to the proceedings.

7. Admittedly, there are suits and cross-suits are pending in between Ramakuri Sujatha and against her sister-in-law Ramakuri Nirmala Kumari and Ramakuri Kirthan before the I Additional Civil Judge (Junior Division), Nuzvid, filed for declaration of title and to cancel the gift deed executed by Ramakuri Siluvesamma.

8. Therefore, without adverting to the merits of the case, both the Writ Petitions are closed, granting liberty to the respective parties to proceed with the suits pending before the Civil Court. For interim

possession of the property, the petitioners are directed to file appropriate applications and the trial Court is directed to dispose of the same basing on the merits of the case. Any observation, if any, made by this Court is only for disposal of the Writ Petitions. There shall be no order as to costs.

As a sequel thereto, Interlocutory Applications pending, if any, shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 30.09.2026

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THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION Nos.17436 and 27730 of 2026

Date: 30.09.2026

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