APHC010431332026

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

THURSDAY, THE 24th DAY OF SEPTEMBER 2026

PRESENT
THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.23519 of 2026

Between:

1. DASARI SUMA TEJA, S/O. D. RAJASEKHAR RAJU, AGED ABOUT 35 YEARS, OCC MANAGING DIRECTOR OF JAI BALAJI SECURITY SERVICES PRIVATE LIMITED, R/O. D. NO. 20-3-5/3/1, SIVA JYOTHI NAGAR, TIRUPATI, TIRUPATI DISTRICT - 517501

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY, DEPARTMENT FOR WOMEN CHILDREN DIFFERENTLY ABLED SENIOR CITIZENS, SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT - 522237.
2. THE DISTRICT COLLECTOR, TIRUPATI, TIRUPATI DISTRICT - 517501.
3. THE REVENUE DIVISIONAL OFFICER CUM TRIBUNAL CHAIRMAN, THE MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZENS ACT, TIRUPATI, TIRUPATI DISTRICT - 517501.
4. THE TAHSILDAR, TIRUPATI URBAN, TIRUPATI DISTRICT - 517501.
5. THE REGISTRAR OF COMPANIES, VIJAYAWADA, NTR DISTRICT - 520001.
6. THE DISTRICT REGISTRAR, TIRUPATI, TIRUPATI DISTRICT - 517501.
7. THE SUBREGISTRAR, TIRUPATI, TIRUPATI DISTRICT - 517501.
8. THE DISTRICT REGISTRAR, CHITTOOR, CHITTOOR DISTRICT - 517001.
9. THE SUBDIVISIONAL POLICE OFFICER, EAST POLICE STATION, TIRUPATI, TIRUPATI DISTRICT - 517501.

10. D RAJASEKHAR RAJU, S/O. D. SIDDI RAJU, AGED ABOUT 66 YEARS, OCC DIRECTOR OF JAI BALAJI SECURITY SERVICES PRIVATE LIMITED R/O. D. NO. 20-3-1/11, SIVA JYOTFII NAGAR, TIRUPATI, TIRUPATI DISTRICT - 517501

...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 Writ of Mandamus declaring the action of the 3rd respondent in passing the impugned order in O.P. No. 1224 of 2025 dated 25.07.2026 and issuing the direction to the Respondent No. 4 to 9 as illegal, arbitrary, colorable exercise, excess of jurisdiction and without any jurisdiction and violation of the natural justice and fair play and misuse of the provisions under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and violation of the provisions under the company law and violation of the article 14, 16, 19 (1) (g), 21 and 300-A of the Constitution of India and liable to be set aside and consequentially direct the revenue authorities not to interfere with the free running business of the Jai Balaji Security Services Private Limited.

Counsel for the Petitioner:

1. VADLAPATLA SAI MALLIK

Counsel for the Respondent(S):

1. GP FOR WOMEN DEV CHILD WELFARE
2. GP FOR HOME
3. GP FOR REVENUE
4. CH.U.M.REDDY
5. GP FOR REGISTRATION AND STAMPS

The Court made the following:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.23519 of 2026

ORDER:

The present Writ Petition is filed aggrieved by the action of the 3rd respondent in passing the impugned order in O.P.No.1224 of 2025 dated 25.07.2026 and issuing the direction to the respondent Nos.4 to 9, as it is illegal, arbitrary, colourable exercise, excess of jurisdiction and without any jurisdiction and violation of the natural justice and fair play and misuse of the provisions under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short, hereinafter called as 'Senior Citizens Act') and violation of the provisions under the Company Law and violation of the Articles 14, 16, 19(1)(g), 21 and 300A of the Constitution of India and liable to be set aside and consequentially direct the revenue authorities not to interfere with the free running business of the Jai Balaji Security Services Private Limited.

2. The 10th respondent, who is the senior citizen, filed an application under Section 5 of the Senior Citizens Act before the 3rd respondent-Revenue Divisional Officer for cancellation of the gift deed executed by the 10th respondent. The 10th respondent through gift deed has transferred the share to the writ petitioner. The Tribunal has disposed

of the said application in O.P.No.1224 of 2025 after following the procedure, vide order dated 25.07.2026, with the following observations:

> "In view of the above findings, as per Section 23(1) of The Maintenance and Welfare of Parents and Senior Citizen Act, 2007, the transfer of shares by the petitioner vide certificate No.IN-AP00526302290351W & IN-AP00741630454848W on 08.07.2024 in favour of the respondent is declared to be void and the said shares shall be restored to the petitioner and his wife.
>
> The District Registrar, Tirupati & Chittoor is hereby directed to the transfer of shares by the petitioner vide certificate No.IN-AP0052630229035W & IN-AP00741630454848W on 08.07.2024 in favour of the respondent is declared to be void and the said shares shall be restored to the petitioner and his wife.
>
> The Registrar of Companies, Vijayawada is hereby directed to restore the shares of the company Jai Balajee Security Services Pvt. Ltd., Tirupati in the name of petitioner and his wife based on this order.
>
> The SDPO, East Police Station, Tirupati is directed to restore the peaceful possession of petitioner's property (house) situated at 20-3-5A, Sivajyothi Nagar, Tirupati Urban and to take necessary action to vacate the respondent and his wife from the said house which they have unlawfully occupied after evicting the petitioner.

In the light of the above facts, the petition stands disposed."

3. Assailing the order dated 25.07.2026, the son of the senior citizen filed the present Writ Petition on the ground that the parents are having sufficient means to maintain themselves without any inconvenience to lead their lives in their own residential buildings available in his own village and the 10th respondent has forcefully break open the lock bearing house No.20-3-1/11, which is retained for the purpose of keeping the records belonging to the company and the 3rd respondent Tribunal does not have any jurisdiction over the assets of the company and its Directors of the Company, in collusion with the 10th respondent, obtained the impugned order without disclosing the real facts and invoking the provisions of the Senior Citizens Act and the said order is contrary to the judgments reported in 1994(1) SCC 1, 2022(2) ALD 484 (FB) and 2021(5) ALD 150 (DB). Hence, prayed to set aside the impugned order dated 25.07.2026.

4. Learned counsel appearing for the 10th respondent-senior citizen filed counter affidavit and denied the contentions raised by the petitioner, *inter alia*, it is stated that the petitioner has failed to discharge the obligation which was the basis of the transfer and for family

arrangement and the very object of the senior citizen is welfare of the senior citizen to provide an effective and expeditious statutory mechanism for protection of senior citizens and their property and to prevent their exploitation by persons who are expected to look after them and the transfer of shares in favour of the petitioner were not unconditional and the transfer was made in the background of the family arrangement and exploitation and the petitioner would look after the parents' welfare and he would clear the debts and further stated that after considering the rival statements and the material placed before the Tribunal, the Tribunal has categorically given a finding that the senior citizen and his wife have transferred their shares in favour of the writ petitioner and the petitioner failed to take care of the parents. Therefore, prayed to dismiss the Writ Petition, as the petitioner has not made any legal and valid grounds to interdict the orders of the Tribunal.

5. The contention of the petitioner is that the gift deed executed cannot be cancelled mere requisite to maintain the senior citizen and in the absence of specific condition for providing maintenance to the transferer and the gift deed can be cancelled on fulfilling of two conditions stipulated in Section 23 of the Senior Citizens Act. The first, there should be a condition incorporated that the transferee must

provide basic amenities and basic physical needs to the transferor and the second, the transferee refuses or fails to provide such amenities and physical needs to the transferor. Unless the said two conditions are fulfilled, the transferor cannot seek a direction from the Tribunal for cancellation of the deed nor can the authority be directed now. Hence, prayed to set aside the impugned order dated 25.07.2026 and relied on the judgment of the Apex Court in the case of **Sudesh Chhikara Vs. Ramti Devi** reported in 2022 SCC Online SC 1684, wherein the Hon'ble Supreme Court held that a gift deed executed cannot be cancelled mere requisites to maintain senior citizen and in the absence of specific condition for providing maintenance to the transferor.

6. Per contra, learned counsel appearing for the unofficial respondent would submit that the petitioner is none other than the son and the learned counsel for unofficial respondent has relied on the order of this Court in W.P.No.5668 of 2020 dated 15.10.2025, wherein a learned Single Judge of this Court has observed that non-incorporation of condition of looking after a senior citizen is not a mandatory. Such transfers are frequently made out of love and affection without formal stipulations; since an express written condition is not always required, the expectation of care may be inferred from the circumstances

surrounding the transfer. Therefore, learned counsel appearing for the unofficial respondent contends that in the absence of specific condition, the unofficial respondent cannot be thrown out.

Point for consideration:

7. The relative means the person who will get or gain the benefit of the property or who would inherit his/her property after death of senior citizen. Admittedly, writ petitioner is son of the un-official respondent. The relationship between the petitioner and the unofficial respondent falls within the definition of a ‘relative’ under Section 2(g) of the Senior Citizens Act 2007.

8. In **Urmila Dixit Vs. Sunil Sharan Dixit and others** reported in (2025) 2 SCC 787 wherein the Hon'ble Apex Court held that Section 23 of the Senior Citizens Act being a standalone provision of the Act, in the considered view, the relief available to senior citizens under Section 23 of the Senior Citizens Act 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 maintenance by the transferee. And the obligation on the donee to

maintain the donor right cannot be avoided under Section 23 of the Act, 2007.

9. This Court has rendered an order in W.P.No.13149 of 2022 dated 04.08.2026, in the following:

> The third Proviso to Section 95 of The Bharatiya Sakshya Adhiniyam, 2023: **corresponding to Section 92 of the Indian Evidence Act**: envisages that that the existence of any separate oral agreement, constituting a condition precedent to the attaching of any obligation under any such contract, grant or disposition of property, may be proved. The section outlines that a oral evidence can be given in a written deed or document hence the Senior citizen can give evidence that the any transfer is to maintenance of the Senior Citizen, hence, when the word '**condition**" in section 23 of Senior Citizen Act does not specify that condition should be incorporated in the deed or document, the condition may be either written or oral.

10. The Companies Act sets forth various stipulations for registering share transfers. Failure to comply with the prescribed procedure renders the transfer void. The mere execution of a gift deed transferring the complainant's shares from the senior citizen to his child does not constitute a valid transfer under the provisions of the Companies Act. Neither the gift deed nor the affidavit filed in support of the writ petition

indicate that the shares were transferred in accordance with the Companies Act, thereby any argument that advanced by the learned counsel for the petitioner unsustainable and cannot plead that the Tribunal lacks the jurisdiction to cancel the gift deed.

11. In view of the foregoing discussion, the Writ Petition sans merit and, accordingly, it is dismissed. 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: 24.09.2026

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THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.23519 of 2026

Date: 24.09.2026

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