



CGHC010262992026

2026:CGHC:34693-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 669 of 2026

1 - Devendra Khanna S/o Late R N Khanna Aged About 67 Years R/o Minocha Colony, Mungeli Road, Dist - Bilaspur Chhattisgarh

2 - Smt. Neerja Khanna, W/o- Devendra Khanna Aged About 64 Years R/o Minocha Colony, Mungeli Road, Dist - Bilaspur Chhattisgarh

... Appellant(s)

versus

1 - State of Chhattisgarh State Of Chhattisgarh Through District Magistrate Presiding Officer, Appellate, Tribunal, Bilaspur, Dist - Bilaspur Chhattisgarh

2 - The Sub Divisional Officer (R) Maintenance Tribunal, Bilaspur, Dist - Bilaspur Chhattisgarh

3 - Smt. Santosh Khanna, W/o Late R N Khanna Aged About 93 Years R/o B-7, Minocha Colony, Mungeli Road, Dist - Bilaspur Chhattisgarh

... Respondent(s)

(Cause-title taken from Case Information System)

For Appellant(s) : Mr. G. S. Ahluwalia, Advocate.

For State : Mr. S. S. Baghel, Govt. Advocate.

For Respondent No. 3 : Mr. Rupesh Shrivastava, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, C.J.

07/08/2026

1. This intra-Court writ appeal has been preferred by the writ appellants under Section 2(1) of the Chhattisgarh High Court (Appeal to Division Bench) Act, 2006, assailing the order dated 02.07.2026 passed by the learned Single Judge in W.P.(C) No.6077 of 2024, whereby the writ petition challenging the order dated 12.09.2024 passed by the Sub Divisional Officer (Revenue) Bilaspur cum Maintenance Tribunal under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, as affirmed by the order dated 25.11.2024 passed by District Magistrate cum Presiding Officer of Appellate Tribunal constituted under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, came to be dismissed.
2. Learned counsel for the writ appellants would submit that the learned Single Judge has erred in upholding the orders passed by the Maintenance Tribunal and the Appellate Tribunal directing eviction of the writ appellants from the subject residential premises. It is submitted that the Tribunal constituted under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is a creature of statute and can exercise only such jurisdiction as is specifically conferred upon it by the Act. In the present case, respondent No.3 neither established her lawful title

over the disputed property nor pleaded that the property had ever been transferred by her in favour of the writ appellants subject to a condition of maintenance. The writ appellants, on the other hand, claim independent title on the basis of registered sale deed and, therefore, the dispute relating to ownership and possession could not have been summarily adjudicated by the Maintenance Tribunal. It is submitted that Section 23 of the Act has no application to the facts of the present case, and consequently the power of eviction, being only ancillary to the statutory jurisdiction, could not have been invoked to dispossess the writ appellants from the property in which they claim an independent proprietary right.

3. With respect to the factual aspect of the case, it is also submitted by the writ appellants that respondent No.3, in her application before the Maintenance Tribunal, alleged that she had purchased the land bearing Khasra No.1608/10 admeasuring 0.0400 hectare and that the adjoining land bearing Khasra No.1608/08 had been purchased by her in the name of writ appellant No.2, her daughter-in-law. She further alleged that, after the death of her husband in the year 2004, she had been residing in the house with her children and was dependent upon a pension of Rs.10,000/- per month, while writ appellant No.1, being her elder son, was neglecting and refusing to maintain her and was allegedly harassing and abusing her. On the basis of such allegations and apprehending threat to her life, respondent No.3

sought eviction of the writ appellants from the first floor of the residential house, besides refund of an amount of Rs.25,00,000/- and compensation of Rs.5,00,000/-. The writ appellants submitted that respondent No.3 had sufficient independent means of livelihood; that writ appellant No.2 was the title-holder of the land bearing Khasra No.1608/08, that no relief of maintenance had been claimed and, therefore, the proceedings seeking eviction were not maintainable under the Act of 2007, and that the writ appellants themselves were senior citizens. He would further submit that the proceedings had been initiated at the instance of the younger brother of writ appellant No.1, with whom respondent No.3 was residing, and that the property in question was being claimed by writ appellant No.2 on the basis of a registered sale deed executed prior to her marriage. The said application was fixed for hearing by the Tribunal on 19.02.2024 but was not separately adjudicated. In their detailed reply, the writ appellants reiterated that the house stood over Khasra Nos.1608/08 and 1608/10, that writ appellant No.2 claimed title over Khasra No.1608/08, whereas, according to the revenue record, Khasra No.1608/10 stood in the name of Santosh Puri and not respondent No.3, and further alleged that the mutation in respect of Khasra No.1608/08 had been fraudulently obtained in the name of respondent No.3 by the younger brother of writ appellant No.1.

4. He would further submit that the impugned orders have the effect of depriving the writ appellants of their property and possession

without any authority of law, thereby offending Article 300A of the Constitution of India. Reliance has been placed upon the judgment of the Hon'ble Supreme Court in ***Samtola Devi v. State of Uttar Pradesh and Others***, 2025 SCC Online SC 669, particularly the observations regarding the limited nature of the power of eviction under the Act of 2007, as well as the decisions in ***S. Vanitha v. Commissioner, Bengaluru Urban District and Others***, 2021 (15) SCC 730 and other cases, to contend that such power cannot be treated as an independent or plenary power of the Tribunal. It is argued that the learned Single Judge, having himself noticed that questions of title are required to be adjudicated by the competent civil court, could not have simultaneously sustained the writ appellants' eviction, as that would amount to dispossession first and adjudication of title thereafter. He would thus submit that the orders passed by the Maintenance Tribunal and the Appellate Tribunal, as affirmed by the learned Single Judge, are without jurisdiction and liable to be set aside.

5. Per contra, learned counsel appearing for the respondent-State would support the impugned orders and submit that the Maintenance Tribunal, having regard to the object and beneficial nature of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, was justified in directing eviction of the writ appellants in order to protect the respondent No.3, an aged senior citizen, from the alleged harassment and ill-treatment, and

therefore no interference with the order passed by the learned Single Judge is warranted.

6. Learned counsel appearing for respondent No.3, supporting the impugned order, would submit that the proceedings under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 were initiated only with the bona fide object of securing the safety, dignity and peaceful residence of respondent No.3, who is an aged senior citizen and had specifically complained of harassment, abuse and apprehension to her life at the hands of the writ appellants. It is submitted that the writ appellants' assertion of independent title cannot be permitted to defeat the protective jurisdiction of the Tribunal under the beneficial legislation, particularly when the authorities, upon consideration of the material available on record, found that the presence of the writ appellants was adversely affecting the peaceful life of respondent No.3. Learned counsel would further submit that the question of title, if seriously disputed, may be agitated by the writ appellants before the competent civil court, but such dispute cannot be made a ground to deny the senior citizen immediate protection and peaceful enjoyment of her residence; accordingly, the learned Single Judge has committed no error in declining interference with the orders of the statutory authorities.
7. We have heard learned counsel for the parties and perused the record of the writ appeal as well as the writ petition.

8. The core question which arises for consideration in the present writ appeal is whether the learned Single Judge was justified in declining interference with the orders passed by the Maintenance Tribunal and the Appellate Tribunal directing the writ appellants to vacate the portion of the residential premises occupied by them for securing the peaceful residence, safety and dignity of respondent No.3, an aged senior citizen. The contention of the writ appellants is essentially that the Tribunal had no jurisdiction to order eviction in view of the dispute raised by them regarding title over the property and that such dispute could only be adjudicated by a competent civil Court. There can be no quarrel with the proposition that the Maintenance Tribunal is not a substitute for a civil Court and that complicated questions of title cannot be finally adjudicated in proceedings under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. However, the mere assertion of an independent title by the writ appellants cannot, by itself, render the proceedings before the Tribunal non-maintainable, particularly when the relief granted by the Tribunal was not in the nature of a declaration of title but was directed towards protecting respondent No.3 from alleged harassment and securing her peaceful and dignified residence. The material on record shows that respondent No.3, aged about 93 years, approached the statutory authority complaining of harassment, intimidation and disturbance to her peaceful residence, and the Tribunal, upon consideration of the material placed before it,

found justification for granting protective relief. The said findings were thereafter independently examined by the Appellate Tribunal and affirmed.

9. The submission that the absence of a specific claim for monetary maintenance rendered the proceedings under the Act of 2007 not maintainable also cannot be accepted. The expression "maintenance and welfare" occurring in the statute cannot be construed in a narrow or pedantic manner so as to confine the protection available to a senior citizen only to payment of a monthly monetary allowance. The very object of the enactment is to secure the well-being, protection, residence, safety and dignity of parents and senior citizens. A senior citizen may be financially independent and yet be subjected to neglect, harassment or interference with her peaceful residence. The beneficial character of the legislation, therefore, requires the statutory authorities to adopt an interpretation which advances rather than defeats the legislative purpose. The decisions relied upon by the learned Single Judge, including **S. Vanitha, (supra), Urmila Dixit v. Sunil Sharan Dixit (2025) 2 SCC 787** and **Kamal Kant Mishra v. Additional Collector and Others 2025 SCC Online SC 2077**, recognise the necessity of moulding effective relief where required to protect a senior citizen and ensure that the object of the legislation is not rendered illusory.
10. We are also unable to accept the contention that the mere pendency of proceedings concerning mutation or the assertion of

title by writ appellant No.2 on the basis of a registered sale deed completely denuded the Tribunal of its jurisdiction under the Act of 2007. The question as to the ultimate title in the disputed property may certainly be determined by the competent civil or revenue forum in appropriate proceedings, but such dispute cannot, in the facts of the present case, operate as an embargo upon the statutory authority exercising its protective jurisdiction in respect of an aged senior citizen who admittedly resides in the premises. The Tribunal has not purported to finally adjudicate the proprietary rights of the parties. The writ appellants' claim of title, therefore, remains open to be agitated before the competent forum in accordance with law. What has been directed by the Tribunal is eviction of the writ appellants for the purpose of securing the peaceful and dignified residence of respondent No.3.

11. The reliance placed by the writ appellants upon Section 23 of the Act of 2007 and the judgment in ***Samtola Devi (supra)*** also does not persuade us to take a different view in the facts of the present case. Section 23 undoubtedly deals specifically with transfers made by a senior citizen subject to the condition of providing basic amenities and physical needs. However, the statutory scheme cannot be construed by isolating Section 23 from the remaining provisions and the avowed object of the enactment. The Hon'ble Supreme Court has recognised that the authorities under the Act may, where the facts so warrant, mould appropriate relief, including eviction, when such relief is necessary and

expedient to ensure the protection and peaceful enjoyment of life and residence by a senior citizen. The question in the present appeal is not whether the Tribunal can adjudicate title or exercise an unrestricted power of eviction, but whether, in the facts found by the statutory authorities, the protective direction issued against the writ appellants calls for interference. In our considered view, no such jurisdictional error has been demonstrated.

12. Equally, the fact that the writ appellants themselves are senior citizens does not confer upon them an overriding or indefeasible right to continue in occupation of the premises against the wishes of respondent No.3. The Act is intended to protect senior citizens from neglect, abuse and harassment, and the statutory authorities are required to consider the circumstances of each case. In the present matter, the Tribunal and the Appellate Tribunal have concurrently found, on consideration of the material available on record, that respondent No.3 was entitled to protection against the alleged harassment and interference caused by the writ appellants. Such concurrent findings of fact cannot be interfered with in exercise of writ jurisdiction merely because another view of the material may be possible.
13. It is equally well settled that the jurisdiction of this Court in an intra-Court appeal against an order passed in exercise of writ jurisdiction is not to be exercised as if the Court were sitting in a regular first appeal over the orders of the statutory authorities. Interference is warranted where the order under appeal suffers

from patent jurisdictional error, perversity, violation of principles of natural justice or manifest illegality. In the present case, the learned Single Judge has examined all the principal objections raised by the writ appellants, including the questions relating to title, maintainability, Section 23, the alleged procedural irregularities and the constitutional challenge under Article 300A, and has recorded cogent reasons for declining interference.

14. We do not find any perversity, jurisdictional infirmity or error of law in the view taken by the learned Single Judge warranting interference in the present writ appeal. The writ appeal, therefore, being devoid of merit, deserves to be and hereby **dismissed**.
15. It is, however, made clear that any independent claim of title or proprietary right asserted by the writ writ appellants over the disputed property shall remain open to be agitated before the competent civil/revenue forum in accordance with law, and the observations contained herein shall not be construed as a final adjudication of such title.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice