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APHC010032172024



**IN THE HIGH COURT OF ANDHRA  
PRADESH  
AT AMARAVATI  
(Special Original Jurisdiction)**

**[3329]**

TUESDAY, THE THIRTY FIRST DAY OF MARCH  
TWO THOUSAND AND TWENTY SIX

**PRESENT**

**THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**

**WRIT PETITION NO: 1852/2024**

**Between:**

1. SMT SANNAMANDRA BHAGYAVATHI, W/O SANNAMANDRA MOSHE, AGED ABOUT 66 YEARS R/O DOOR NO.2-139, KESAVARAM VILLAGE ALLAVARAM MANDAL, DR. B.R. AMBEDKAR KONASEEMA DISTRICT
2. SANNAMANDRA RAVIBABU, S/O SANNAMANDRA MOSHE, AGED ABOUT 50 YEARS R/O DOOR NO.4-7-39/2, BHARAT NAGAR BOLARAM POST, SECUNDERABAD

**...PETITIONER(S)**

**AND**

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY TO GOVERNMENT, WOMEN CHILDREN DISABLED AND SENIOR CITIZEN DEPARTMENT WING, SECRETARIAT, VELAGAPUDI, AMARAVATI
2. THE APPELLATE TRIBUNAL FOR MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZENS, DR. B.R. AMBEDKAR KONASEEMA DISTRICT AT AMALAPURAM
3. THE CHAIRMAN CUM REVENUE DIVISIONAL OFFICER PARENTS AND SENIOR CITIZENS WELFARE TRIBUNAL, AMALAPURAM, DR. B.R. AMBEDKAR KONASEEMA DISTRICT
4. THE TAHSILDAR, , ALLAVARAM MANDAL, DR. B.R. AMBEDKAR KONASEEMA DISTRICT AT AMALAPURAM

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5. THE STATION HOUSE OFFICER, ALLAVARAM POLICE STATION,  
DR. B.R. AMBEDKAR KONASEEMA DISTRICT AT AMALAPURAM

6. SANNAMANDRA MOSHE S/O POTHU RAJU, AGED ABOUT 72  
YEARS, EX SERVICEMAN, R/O MILITARY COLONY,  
KOMARIGIRIPATNAM VILLAGE, ALLAVARAM MANDAL, DR. B.R.  
AMBEDKAR KONASEEMA DISTRICT.

**...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 appropriate writ or order or direction more particularly one in the nature of Writ of mandamus declaring the proceedings in A.P.No.1 of 2023 dated 17.08.2023 passed by the 2<sup>nd</sup> Respondent in confirming the orders passed by the 3<sup>rd</sup> Respondent in O.P.No.9 of 2022 dated 26.11.2022 as illegal, arbitrary, unjust and violative of principles of natural justice as also provisions of Articles 14 and 300A of the Constitution of India as also contrary to the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act 2007 and consequently set aside same and pass

**Counsel for the Petitioner(S):**

1. P RAJKUMAR

**Counsel for the Respondent(S):**

1. GP FOR HOME (AP)

2. GP FOR REVENUE (AP)

3. GP FOR WOMEN DEV CHILD WELFARE (AP)

4. G RAMA GOPAL

**HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**

**W.P.No.1852 of 2024**

This Court made the following

**ORDER:**

Learned counsel for the petitioners submits that 3<sup>rd</sup> respondent herein passed orders dated 26.11.2022 in O.P.No.9 of 2022 filed by the 6<sup>th</sup> Respondent herein seeking eviction of the 1<sup>st</sup> petitioner and 2<sup>nd</sup> petitioner herein who are divorced wife and son of the 6<sup>th</sup> Respondent. The order of eviction passed by the 3<sup>rd</sup> Respondent was assailed by way of appeal before the 2<sup>nd</sup> Respondent in A.P.No.1 of 2023 and the 2<sup>nd</sup> respondent confirmed the orders of the 3<sup>rd</sup> respondent vide orders dated 17.08.2023. The 6<sup>th</sup> Respondent herein sought for eviction of the petitioners. The 2<sup>nd</sup> and 3<sup>rd</sup> Respondents while passing the orders did not consider the helplessness situation of the petitioners and ordered for eviction of the petitioners herein. Both the orders of 2<sup>nd</sup> and 3<sup>rd</sup> Respondents were assailed by way of this Writ Petition. In view of the interim orders of this Court dated

25.01.2024, so far the petitioners have not been evicted from the subject house property.

2. On the other hand, learned counsel for Respondent No.2 filed vacate stay petition wherein it is clearly and categorically stated that the 6<sup>th</sup> respondent filed petition before the 3<sup>rd</sup> respondent contending that the petitioners herein forcibly occupied his house and driven him out. Aggrieved by the same, the 6<sup>th</sup> Respondent requested the concerned authorities to take action against the petitioners herein under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Considering the facts and circumstances and rights of the 6<sup>th</sup> Respondent herein, the 3<sup>rd</sup> Respondent after conducting due enquiry and after following due procedure as contemplated, ordered for eviction of the petitioners on 26.11.2022. The said order of the 3<sup>rd</sup> Respondent was assailed by the petitioners herein by way of appeal wherein the 2<sup>nd</sup> Respondent also confirmed the orders of the 3<sup>rd</sup> Respondent. Even though the 6<sup>th</sup> Respondent was succeeded before the 3<sup>rd</sup> and 2<sup>nd</sup> Respondents, but the subject property was not handed over and petitioners were not duly evicted by the authorities in view of the interim orders of this Court. Learned counsel for the 6<sup>th</sup> respondent

submits that the orders passed by the Respondent Nos.2 and 3 do not warrants interference by this Hon'ble Court.

3. Admittedly, the 1<sup>st</sup> petitioner herein is divorced wife of the 6<sup>th</sup> Respondent granted pursuant to the Decree of Divorce on 22.06.2012 and 1½ decade period was already elapsed but still the 1<sup>st</sup> petitioner herein is claiming as wife of 6<sup>th</sup> Respondent and occupied the property of the 6<sup>th</sup> Respondent which is contrary to law and she is not entitled for any protection at the cost of house property of the 6<sup>th</sup> respondent herein. Hence the present Writ Petition is liable to be dismissed due to lack of merits.

4. Heard both the counsel and perused the material placed on record.

5. On perusal of the material placed on record, the fact remains that the 1<sup>st</sup> petitioner herein is divorced wife of the 6<sup>th</sup> Respondent. The subject decree of divorce has been granted between the parties vide order dated 22.06.2012. It is settled law that a divorced wife is not entitled any rights over the properties of the husband i.e., 6<sup>th</sup> Respondent herein unless the Court specifies. It is not in dispute that the subject house property is an absolute property of the 6<sup>th</sup> Respondent. Therefore, in view of legal divorce granted against the 1<sup>st</sup> petitioner herein, she is not

entitled for any relief much less accommodation in respect of the subject house property of the 6<sup>th</sup> Respondent.

6. On perusal of the orders passed by the 2<sup>nd</sup> and 3<sup>rd</sup> Respondents, it is clear that the orders passed after following due procedure as contemplated under the provisions of The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and they rightly held and recognized the rights of the 6<sup>th</sup> Respondent herein. However, the petitioner is entitled to initiate appropriate proceedings to protect her life and accommodation in accordance with law.

7. In view of foregoing discussion, orders passed by the Respondent Nos.2 and 3 do not warrant interference by this Hon'ble Court. Hence the present Writ Petition lacks merits.

8. Accordingly, the Writ Petition is dismissed. No costs.

Consequently, miscellaneous petitions, if any, pending in this writ petition shall stand closed.

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**VENKATESWARLU NIMMAGADDA, J**

DT: 31.03.2026  
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**HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**

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**W.P.No.1852 of 2024**

**DT: 31.03.2026**

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