

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**FRIDAY, THE TWENTY SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN**

WRIT APPEAL NOS: 197, 198 and 199 of 2026

WRIT APPEAL NO: 197 OF 2026

Writ Appeal under clause 15 of the Letters Patent Filed Against the order dated 18/09/2025 in Writ Petition No.15033 of 2025 on the file of the High Court.

Between:

C. Srinivas, S/o. Late C.R. Shiva Kumar Aged 40 years, Occ- Businesss, R/o. 1-6-28 (Old) 1-6-155 (New) Chaitanyapuri, Kothapet, Hyderabad.

...APPELLANT

AND

1. The State of Telangana, Represented by Principal Secretary Women, Children, Disabled and Senior Citizens Department, Telangana Secretariat, Saifabad, Hyderabad.
2. The Commissioner / Director, Maintenance and Welfare of Parents, Senior Citizens and Transgender Persons Department Government of Telangana, Ground Floor, Vikalangula Sankshama Bhavan, Nalgonda Cross Roads, Hyderabad.
3. The Appellate Tribunal and Additional District Collector, Medchal Malkajgiri District.
4. C. Ramulu, S/o. Late Laxmi Rajaiah, Aged about 90 Years, Occ- Retired Head Master, R/o. Flat No. 301, Akshay Infra Padmaja Elite, Prabath Nagar, Chaitanyapuri, Hyderabad.
5. Smt C. Bharathi, W/o. Late C.R. Shiva Kumar, Aged about 63 Years, Occ- Housewife R/o. Flat No. 301, Akshay Infra Padmaja Prabath Nagar, Chaitanyapuri, Hyderabad.

...RESPONDENTS

I.A. NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the order of the 3rd Respondent in Case No.61/E/2023, dt.22.04.2025, pending disposal of the Writ Appeal.

I.A. NO: 2 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay of all further proceedings in Case No.61/E/2023, dt.22.04.2025 passed by the 3rd Respondent, pending disposal of the Writ Appeal.

**Counsel for the Appellant: SRI VEDULA SRINIVAS, Sr. COUNSEL, REP.
SRI C.HARI PREETH**

**Counsel for the Respondent No.1: SRI MOHD. IMRAN KHAN,
ADDL. ADVOCATE GENERAL**

Counsel for the Respondent No.4 & 5: SRI NOOTY VASISTHA

WRIT APPEAL NO: 198 OF 2026

Writ Appeal under clause 15 of the Letters Patent Preferred against the Order dated 18/09/2025 in WP.No.8647 of 2025 on the file of the High Court.

Between:

C. Srinivas, S/o. Late C.R. Shiva Kumar, Aged 40 years, Occ. Businesss, R/o. 1-6-28 (Old) 1-6-155 (New) Chaitanyapuri, Kothapet, Hyderabad.

AND

...APPELLANT

1. The State of Telangana, Represented by Principal Secretary Women, Children, Disabled and Senior Citizens Department, Telangana Secretariat, Saifabad, Hyderabad.
2. The Commissioner / Director, Maintenance and Welfare of Parents, Senior Citizens and Transgender Persons Department Government of Telangana, Ground Floor, Vikalangula Sankshama Bhavan, Nalgonda Cross Roads, Hyderabad.

3. C. Ramulu, S/o. Late Laxmi Rajaiah, Aged about 90 Years, Occ. Retired Head Master, R/o. Flat No. 301, Akshay Infra Padmaja Elite, Prabath Nagar, Chaitanyapuri, Hyderabad.
4. Smt C. Bharathi, W/o. Late C.R. Shiva Kumar, Aged about 63 Years, Occ. Housewife R/o. Flat No. 301, Akshay Infra Padmaja Elite, Prabath Nagar, Chaitanyapuri, Hyderabad.

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Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant stay of all further proceedings in Case No.61/E/2023, dt.22.04.2025 passed by the 3rd Respondent, pending disposal of the Writ Appeal.

**Counsel for the Appellant: SRI VEDULA SRINIVAS, Sr. COUNSEL, REP.
SRI C.HARI PREETH**

**Counsel for the Respondent No.1: SRI MOHD. IMRAN KHAN,
ADDL. ADVOCATE GENERAL**

Counsel for the Respondent No.3 & 4: SRI NOOTY VASISTHA

WRIT APPEAL NO: 199 OF 2026

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 18-09-2025 in the W.P.No.10245 of 2025 on the file of the High Court.

Between:

C. Srinivas, S/o. Late C.R. Shiva Kumar Aged 40 years, Occ. Businesss, 1-6-28 (Old) 1-6-155 (New) Chaitanyapuri, Kothapet, Hyderabad.

AND

...APPELLANT

1. The State of Telangana, Represented by Principal Secretary Women, Children, Disabled and Senior Citizens Department, Telangana Secretariat, Saifabad, Hyderabad.
2. The Commissioner / Director, Maintenance and Welfare of Parents, Senior Citizens and Transgender Persons Department Government of Telangana, Ground Floor, Vikalangula Sankshama Bhavan, Nalgonda Cross Roads, Hyderabad.
3. The District Collector, Integrated District Offices Complex. Anthaipally (V), Shamirpet Mandal, Medchal Malkajgiri District.
4. C. Ramulu, S/o. Late Laxmi Rajaiah, Aged about 90 Years, Occ. Retired Head Master, R/o. Flat No. 301, Akshay Infra Padmaja Elite, Prabath Nagar, Chaitanyapuri, Hyderabad.
5. Smt C. Bharathi, W/o. Late C.R. Shiva Kumar, Aged about 63 Years, Occ. Housewife R/o. Flat No. 301, Akshay Infra Padmaja Elite, Prabath Nagar, Chaitanyapuri, Hyderabad.

I.A. NO: 1 OF 2026

...RESPONDENTS

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the order of the 3rd Respondent in Case No.61/E/2023, dt.22.04.2025, pending disposal of the Writ Appeal.

I.A. NO: 2 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant stay of all further proceedings in Case No.61/E/2023, dt.22.04.2025 passed by the 3rd Respondent, pending disposal of the Writ Appeal.

**Counsel for the Appellant: SRI VEDULA SRINIVAS, Sr. COUNSEL, REP.
SRI C.HARI PREETH**

**Counsel for the Respondent No.1: SRI MOHD. IMRAN KHAN,
ADDL. ADVOCATE GENERAL**

Counsel for the Respondent No.4 & 5: SRI NOOTY VASISTHA

The Court delivered the following: COMMON JUDGMENT

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND**

THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT APPEAL Nos.197,198 and 199 of 2026

DATE: 27 .02.2026

W.A.No.197 of 2026

Between:

C.Srinivas

....Appellant

And

The State of Telangana and 4 others

....Respondents

W.A.No.198 of 2026

Between:

C.Srinivas

....Appellant

And

The State of Telangana and 3 others

....Respondents

W.A.No.199 of 2026

Between:

C.Srinivas

....Appellant

And

The State of Telangana and 4 others

....Respondents

COMMON JUDGMENT (Per Sri Justice G.M.Mohiuddin)

Since the three writ appeals, arise out of orders dated 18.09.2025 and invoke inextricably linked questions of law and fact, they are being disposed of by this Common Judgment.

2. These writ appeals, preferred under Clause 15 of the Letters Patent, arise out of the orders dated 18.09.2025 passed by the learned Single Judge in W.P.Nos.15033, 8647 and 10245 of 2025, together with a Contempt Case *vide* C.C.No.827 of 2025.

3. The appellant in the above writ appeals and the writ petitioner in the three underlying writ petitions is one and the same.

4. The core of the *lis* centres around the proceedings *vide* Case No.61/E/2023 dated 22.04.2025, passed by the Appellate Tribunal and District Collector, Medchal-Malkajgiri District (respondent No.3) in respect of an immovable property whereby the Appellate Tribunal had ordered to cancel the Gift Deed dated 06.04.2018 executed by the 4th respondent (grandfather), in favour of the appellant (grandson). While the underlying facts are similar, each of the present appeals arises from the dismissal of a distinct writ petition, each assailing a distinct stage or aspect of the administrative proceedings in question, as under:

- i) W.A.No.197 of 2026 arises out of W.P.No.15033 of 2025, wherein the appellant assailed the order dated 22.04.2025 passed by the 3rd respondent i.e., Additional District

Collector, cancelling the Gift Deed dated 06.04.2018 executed in the appellant's favour.

ii) W.A.No.198 of 2026 arises out of W.P.No.8647 of 2025, wherein the appellant sought a writ of prohibition restraining the 2nd respondent i.e., Commissioner/ Director, Department for Maintenance and Welfare of Parents, Senior Citizens and Transgender Persons, from entertaining and proceeding with Appeal No.S1/565/2025 preferred by the 4th respondent, primarily on the ground of alleged lack of jurisdiction.

iii) W.A.No.199 of 2026 arises out of W.P.No.10245 of 2025, wherein the appellant questioned the order dated 18.03.2025 passed by the 2nd respondent remanding the matter to the District Collector for fresh consideration.

5. Heard Sri Vedula Srinivas, learned Senior Counsel representing Sri C.Hari Preeth, learned counsel for the appellant; Sri Nooty Vasistha, learned counsel appearing for respondent Nos. 4 and 5 in W.A.No.197 and 199 of 2026 and respondent Nos. 3 and 4 in W.A.No.198 of 2026; and Sri Mohd. Imran Khan, learned Additional Advocate General appearing for the respondent No.1-State of Telangana and perused the record.

Factual matrix (in brief)

6. The appellant is the grandson of the 4th respondent. The 5th respondent is the mother of the appellant. The dispute pertains to a residential property bearing H.No.1-6-155, admeasuring 247 Sq.Yds, situated at Kothapet Village, Uppal Mandal, Medchal-Malkajgiri District.
7. It is not in dispute that the 4th respondent executed a registered Gift Deed dated 06.04.2018 (Document No.6610 of 2018) in favour of the appellant in respect of the subject property. The appellant asserts that prior to the execution of the Gift Deed, a family arrangement was entered into between himself and his paternal uncle, pursuant to which a sum of Rs.10,00,000/- was paid by him to his paternal uncle towards settlement of the paternal uncle's claim in the property. The appellant further states that subsequent to the execution of the Gift Deed, he demolished the existing structure and constructed a new G+2 residential building by investing a substantial sum of about Rs.4 crores, which was raised through bank loans and other private sources. That the parties resided together in the subject property for some time.
8. The 4th respondent, however, disputes the circumstances under which the Gift Deed was executed. According to the 4th respondent, the execution of the Gift Deed was induced by assurances of care and maintenance. The 4th respondent alleges
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that he was thereafter not provided proper care and support. The 4th respondent consequently sought cancellation of the Gift Deed under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short, 'the 2007 Act').

9. On 13.07.2022, the 4th respondent filed an application before the Revenue Divisional Officer (RDO), Keesara Division, under the 2007 Act seeking cancellation of the Gift Deed dated 06.04.2018. The RDO, by order dated 20.12.2022, dismissed the application holding that the dispute was civil in nature and directing the applicant (4th respondent) to approach the competent civil Court for redressal of his grievance.

10. Aggrieved by the said order of the RDO dated 20.12.2022, the 4th respondent preferred an appeal under Section 16 of the 2007 Act before the District Collector, Medchal-Malkajgiri District. In Appeal Case No.61/E/2023. The District Collector (Appellate Authority), by order dated 06.07.2023 dismissed the appeal and affirmed the order of the Primary Authority (RDO). The Appellate Authority observed, *inter alia*, that the Gift Deed did not contain an express condition regarding the maintenance, which was considered a relevant stipulation for invocation of Section 23(1) of the 2007 Act. Certain directions were also issued to the family members to look after the maintenance and welfare of the 4th respondent. The District Collector, however also held that the

dispute involved was civil in nature and upheld the finding of the RDO to that extent.

11. Subsequently, the 4th respondent approached the 2nd respondent, i.e., Commissioner/Director Department for Maintenance and Welfare of Parents, Senior Citizens and Transgender Persons, by filing proceedings styled as a review petition/second appeal on 10.03.2025. Notice was issued to the appellant by the 2nd respondent fixing the matter for hearing on 18.03.2025. Questioning the maintainability of such proceedings before the 2nd respondent on the ground of lack of jurisdiction and the absence of statutory provision for a review petition/second appeal under the 2007 Act, the appellant filed W.P.No.8647 of 2025 before this Court seeking a writ of prohibition. This Court, by order dated 21.03.2025, granted interim stay of all further proceedings before the 2nd respondent. The learned counsel for the appellant submits that the order of this Court was immediately communicated to the office of the 2nd respondent.

12. It is the case of the appellant that despite the stay order of this Court, the 2nd respondent passed an ante-dated order, dated 18.03.2025 condoning the delay in filing review/second appeal and remanding the matter to the District Collector for fresh *de novo* consideration. The appellant relies on the order being dispatched on 25.03.2025 to support the contention that the order was ante-

dated. The appellant challenged the said remand order by filing W.P.No.10245 of 2025. The appellant also initiated contempt proceedings against 2nd respondent *vide* Contempt Case No.827 of 2025 alleging violation of the interim order dated 21.03.2025 granted in W.P. No.8647 of 2025.

13. Pursuant to the remand, the 3rd respondent i.e., Additional District Collector, issued notice through WhatsApp on 28.03.2025 directing the appellant to appear for a hearing on 02.04.2025. The appellant appeared and submitted a representation bringing to the notice of the authority, the pendency of the writ petitions and the interim orders granted by this Court and requested that the proceedings be deferred. Regardless of the same, the 3rd respondent by order dated 22.04.2025, allowed the appeal and ordered cancellation of the Gift Deed dated 06.04.2018, holding that the matter fell within the scope of Section 23 of the 2007 Act.

14. The appellant challenged the order of the 3rd respondent dated 22.04.2025 by filing W.P.No.15033 of 2025. An interim suspension of the impugned order was granted on 07.05.2025.

15. All the three writ petitions, namely W.P.Nos.8647 of 2025, 10245 of 2025 and 15033 of 2025, along with the Contempt Case No.827 of 2025, were disposed of *vide* orders dated 18.09.2025. Learned Single Judge dismissed W.P.No.15033 of 2025 on merits, and upheld the order dated 22.04.2025 of the 3rd respondent

directing cancellation of the Gift Deed. Consequently, W.P.Nos.8647 of 2025 and 10245 of 2025 were dismissed as having become infructuous, and the Contempt Case was closed. Aggrieved by the orders dated 18.09.2025 in W.P.Nos.8647 of 2025, 10245 of 2025 and 15033 of 2025, the appellant has preferred the present writ appeals.

Submissions on behalf of the appellant

16. Learned Senior Counsel appearing for the appellant, advanced the following submissions:

- i) That the 2007 Act provides a two-tier mechanism. Under Section 23, proceedings for declaration of transfer as void are to be initiated before the Primary Authority, and under Section 16, a single statutory appeal lies to the Appellate Tribunal, namely, the District Collector. The Act does not contemplate any further appeal or review.
- ii) That the 4th respondent's application for cancellation of the Gift Deed dated 06.04.2018 had been adjudicated by the Primary Authority and the appeal therefrom had been dismissed by the District Collector on 06.07.2023. Thereafter, the 4th respondent approached the 2nd respondent, Commissioner/Director, by way of a purported second appeal/review. The statute does not confer any such appellate or revisional jurisdiction upon the 2nd respondent.

- iii) That the amendment introduced in 2022, by way of Rule 21(3)(d)(i) under G.O.Ms.No.40, provides an independent and original remedy relating to eviction of children or legal heirs from the property of senior citizens as evident from the scheme in Rule 21(3)(a),(b)&(c). The said provision i.e., Rule 21(3)(d)(i) has to be read and understood conjunction with 21(3)(a),(b)&(c) and that the said Rule does not create a further appellate forum against an order passed under Section 16 of the 2007 Act. That therefore, the review/second appeal proceedings before the 2nd respondent were without jurisdiction, *coram non judice*, and *void ab initio*.
- iv) That the 4th respondent's case was for cancellation of a Gift Deed under Section 23 of the 2007 Act which was decided by the RDO (the primary authority) and finally adjudicated by the 3rd respondent (District Collector). That the remedy of a further appeal under eviction cannot be pressed into service after concurrent orders holding that the matter is civil in nature. It was urged that the learned Single Judge erred in not adjudicating this foundational issue of jurisdiction.
- v) That Section 23(1) of the 2007 Act can be invoked only when the transfer is made subject to the condition that the transferee shall maintain the transferor or/and provide basic

amenities and physical needs to the transferor and if such condition is breached.

- vi) That the Gift Deed dated 06.04.2018 does not contain any express stipulation obligating the appellant to maintain the 4th respondent. Placing reliance on the judgment of the Hon'ble Supreme Court in ***Sudesh Chhikara v. Ramti Devi***¹, it is submitted that the presence of such a condition is a *sine qua non* for invoking Section 23(1) of the 2007 Act, and in the absence thereof, the authorities had no jurisdiction to annul the Gift Deed.
- vii) That the order dated 22.04.2025 passed by the 3rd respondent was in violation of the principles of natural justice. That the appellant had appeared before the authority on 02.04.2025 and had requested deferment of the proceedings in view of the pendency of W.P.Nos.8647 and 10245 of 2025, which challenged the very jurisdiction of the authorities.
- viii) That without granting a further effective opportunity of hearing on merits, the 3rd respondent proceeded to pass the order dated 22.04.2025 in Case No.61/E/2023 cancelling the Gift Deed, thereby rendering the proceedings *ex parte* in substance.

¹ Civil Appeal No.174 of 2021 dated 06.12.2022

- ix) That the 4th respondent is in receipt of a substantial monthly pension, in excess of Rs.1,10,000/-, and therefore, the allegation that he was left without any source of income was factually incorrect.
- x) That the appellant had invested substantial amounts, raised loans and constructed a new building after demolition of the old structure. That these material aspects were not duly considered by the authorities while passing the order dated 22.04.2025.
- xi) That the appellant explained the finding of fraud recorded by the learned Single Judge by submitting that the appellant had merely addressed a representation dated 11.05.2025 to the Sub-Registrar enclosing a copy of the interim order dated 07.05.2025 passed in W.P.No.15033 of 2025. The inclusion of the Sub-Registrar in the representation's cause title was, only to ensure compliance with the interim order and did not amount to any misrepresentation or fraudulent conduct. That the copy of the interim order was enclosed to the representation and that there was no tampering or fraud as was incorrectly noted by the learned Single Judge.
- xii) That the learned Single Judge erred in dismissing W.P.Nos.8647 and 10245 of 2025 as infructuous, as the issues raised therein, namely, the lack of jurisdiction of the

2nd respondent to entertain a second appeal and the ante dating of the remand order as 18.03.2025 and the validity thereof in the face of a interim stay granted by the learned Single Judge, were independent and foundational in nature.

- xiii) That a subsequent order passed pursuant to a void remand cannot render the challenge to the remand order infructuous; as a writ of prohibition is maintainable to prevent an authority from acting without jurisdiction and the learned Single Judge ought to have adjudicated those issues on merits.

Submissions on behalf of respondent Nos.1 to 3-State

17. Learned Additional Advocate General appearing for the State supported the impugned orders and advanced the submissions as under:

- i) That the authorities had acted within the framework of the 2007 Act and the Rules framed thereunder, to safeguard the interests of a senior citizen of advanced age.
- ii) That the order of remand passed by the 2nd respondent was in furtherance of the object of the welfare legislation enacted to provide security to the senior citizens. The order of remand was an administrative step to ensure proper adjudication, and cannot be termed as without jurisdiction.

- iii) With regard to W.P.Nos.8647 and 10245 of 2025, it was submitted that in view of the subsequent final order passed by the competent authority and the challenge thereto in W.P.No.15033 of 2025, the earlier writ petitions had rightly been treated as infructuous.

Submissions on behalf of respondent Nos.4 and 5

18. Learned counsel appearing for respondent Nos.4 and 5 has made the following submissions:

- i) That the 2007 Act, is a beneficial and welfare legislation, intended to protect senior citizens and its provisions must be interpreted liberally to advance its object.
- ii) That the absence of an express clause in the Gift Deed does not preclude invocation of Section 23 of the 2007 Act. Placing reliance on ***Urmila Dixit v. Sunil Sharan Dixit***², it was submitted that the obligation to provide basic amenities and care can be implied from the relationship between the parties and the circumstances in which the transfer was made.
- iii) That the transfer in favour of the appellant was made out of love and affection coupled with an understanding that the appellant would take care of the 4th respondent and the subsequent failure to do so justified cancellation.

² (2025) 2 SCC 787

- iv) That the appellant's conduct in approaching the Sub-Registrar and communicating the interim order incorrectly, amounted to misrepresentation, and the learned Single Judge was justified in taking note of the same.
- v) That the appellant's claim of having invested substantial sums in construction of a building on the subject property, involves disputed questions of fact, which cannot be adjudicated in summary proceedings under Article 226 of the Constitution or in proceedings under the 2007 Act.
- vi) That the appellant was afforded sufficient opportunity before the 3rd respondent. The fact that the appellant sought an adjournment instead of presenting his case, clearly establishes that there was no denial of opportunity or violation of natural justice.
- vii) That the proceedings before the 2nd respondent had culminated in a remand order and thereafter, a fresh order had been passed by the 3rd respondent. Consequently, the challenge to the earlier proceedings in W.P.Nos.8647 and 10245 of 2025, had rightly been treated as infructuous, and no separate adjudication was warranted.

19. We have taken note of the respective submissions urged and the material placed on record, including orders passed by the

authorities under the 2007 Act and the impugned orders of the learned Single Judge.

Consideration by this Court

20. It is pertinent to note that the 2007 Act, is a welfare legislation, enacted with an object of ensuring that senior citizens live a life of dignity and security. The 2007 Act provides for expeditious and effective remedies to vulnerable senior citizens. However, the beneficent nature of the legislation does not dispense with the requirement that statutory authorities must act strictly within the bounds of the jurisdiction conferred upon them. It is equally well-settled that even while advancing the object of a welfare statute, the authorities must adhere to the statutory scheme and the principles of natural justice.

21. Upon a comprehensive appraisal of the entire record, including the orders passed by the Primary Authority dated 20.12.2022, the Appellate Authority/District Collector dated 06.07.2023 in Appeal Case No.61/E/2023, the remand order of the 2nd respondent dated 18.03.2025 in Appeal No.S1/565/2025, and the consequential order dated 22.04.2025 passed by the 3rd respondent, it is relevant to note that the entire chain of proceedings initiated after the order of the District Collector dated 06.07.2023 rests on a legally untenable foundation.

Jurisdictional competence of the 2nd respondent

22. The principal issue that falls for determination is whether the 2nd respondent i.e., Commissioner/Director under the 2007 Act possessed the statutory competence to entertain a second appeal against the order of the District Collector dated 06.07.2023 in Appeal Case No.61/E/2023. It is to be noted that the assumption of such jurisdiction by the 2nd respondent goes to the root of the matter.

23. Section 23 of the 2007 Act empowers the Tribunal, to declare a transfer of property as void if it is shown that the transfer was subject to the condition of providing basic amenities and physical needs to the senior citizen and that such condition has been breached. Section 16 of the Act provides for a statutory appeal to the Appellate Tribunal (the District Collector).

24. For a proper and effective adjudication of the issues, it is considered appropriate to extract Section 16 and 23 of the 2007 Act for ready reference:

Section 16. Appeals

(1) Any senior citizen or a parent, as the case may be, aggrieved by an order of a Tribunal may, within sixty days from the date of the order, prefer an appeal to the Appellate Tribunal:

Provided that on appeal, the children or relative who is required to pay any amount in terms of such maintenance order shall continue to pay to such parent the amount so ordered, in the manner directed by the Appellate Tribunal:

Provided further that the Appellate Tribunal may, entertain the appeals after the expiry of the said period of sixty days, if it is satisfied that the

appellant was prevented by sufficient cause from preferring the appeal in time.

(2) On receipt of an appeal, the Appellate Tribunal shall, cause a notice to be served upon the respondent.

(3) The Appellate Tribunal may call for the record of proceedings from the Tribunal against whose order the appeal is preferred.

(4) The Appellate Tribunal may, after examining the appeal and the records called for either allow or reject the appeal.

(5) The Appellate Tribunal shall, adjudicate and decide upon the appeal filed against the order of the Tribunal and the order of the Appellate Tribunal shall be final:

Provided that no appeal shall be rejected unless an opportunity has been given to both the parties of being heard in person or through a duly authorised representative.

(6) The Appellate Tribunal shall make an endeavour to pronounce its order in writing within one month of the receipt of an appeal.

(7) A copy of every order made under sub-section (5) shall be sent to both the parties free of cost.

Section 23. Transfer of property to be void in certain circumstances

(1) Where any senior citizen who, after the commencement of this Act, has transferred by way of gift or otherwise, his property, subject to the condition that the transferee shall provide the basic amenities and basic physical needs to the transferor and such transferee refuses or fails to provide such amenities and physical needs, the said transfer of property shall be deemed to have been made by fraud or coercion or under undue influence and shall at the option of the transferor be declared void by the Tribunal.

(2) Where any senior citizen has a right to receive maintenance out of an estate and such estate or part thereof is transferred, the right to receive maintenance may be enforced against the transferee if the transferee has notice of the right, or if the transfer is gratuitous; but not against the transferee for consideration and without notice of right.

(3) If, any senior citizen is incapable of enforcing the rights under sub-section (1) and (2), action may be taken on his behalf by any of the organisation referred to in Explanation to sub-section (1) of Section 5.

25. The said statutory scheme under Section 23 of the 2007 Act, as it stands, contemplates a two-tier mechanism: (i) adjudication by the Tribunal; and (ii) an appeal to the Appellate Tribunal. The 2007 Act does not, either expressly or by necessary implication, provide for a further appeal or revisional jurisdiction to the

Commissioner/Director (respondent No.2) against the appellate order of the District Collector (respondent No.1).

26. It is to be noted that the remand order dated 18.03.2025 passed by the 2nd respondent is sought to be justified with reference to the added amendments introduced by G.O.Ms.No.40 dated 30.12.2022, to the Telangana Maintenance and Welfare of Parents and Senior Citizens Rules 2011 (hereinafter '2011 Rules') whereby Rule 21(3) was added to the 2011 Rules. However, a close reading of Rule 21(3) of the 2011 Rules, indicates that it deals with a distinct and substantive remedy concerning eviction of children or legal heirs from the property of senior citizens on specified grounds such as non-maintenance or ill-treatment. The said provision creates an original remedy in a separate factual and procedural context. It does not confer any appellate or revisional power upon the Commissioner/Director over orders passed under Section 23 of the Act. The two mechanisms operate in different spheres and cannot be conflated. Rule 21(3) of the Rules, so far as is relevant, is extracted hereunder for ready reference:

Rule 21. Action plan for the Protection of Life and Property of Senior Citizens

(3) Procedure for eviction from property of Senior Citizen/Parents:

(a) (i) A senior citizen/parent, may make an application before the Collector & District Magistrate of his/her district, for eviction of his/her children/legal heir from his/her property on account of his/her non-maintenance and/or ill-treatment.

(ii) The Collector & District Magistrate shall immediately forward such application to the concerned Sub-Divisional

Magistrate/Revenue Divisional Officer for verification of the title of the property and facts of the case within fifteen (15) days from the date of receipt of such application.

(iii) The Sub-Divisional Magistrate/Revenue Divisional Officer shall immediately submit his/her report to the Collector & District Magistrate for final orders within sixty (60) days from the date of receipt of the application.

(iv) The Collector & District Magistrate during summary proceedings for the protection of senior citizens/parents shall consider all the relevant provisions of the Act. If the Collector & District Magistrate is of the opinion that any children/ legal heir of a senior citizen /parent is not maintaining the senior citizen/parent and/or ill-treating him/her/them and yet is occupying the property of the senior citizen/parent and that they should be evicted, the Collector & District Magistrate shall issue in the manner hereinafter provided a notice in writing calling upon all persons concerned to show cause as to why an order of eviction should not be issued against them/ him/ her.

(v) The notice shall;-

(i) specify the grounds on which the order of eviction is proposed to be made; and

(ii) require all persons concerned, that is to say, all persons who are, or may be, in occupation of, or claim interest in, the property, to show cause, if any, against the proposed order on or before such date as is specified in the notice, being a date not earlier than ten (10) days from the date of issue thereof.

(b) Eviction order from property of senior citizen/ parent: If, after considering the cause, if any, shown by any person in pursuance to the notice and any evidence he/she may produce in support of the same and after giving him/her a reasonable opportunity of being heard, the Collector & District Magistrate is satisfied that the eviction order needs to be made, the Collector & District Magistrate may make an order of eviction, for reasons to be recorded therein, directing that the property shall be vacated.

(c) Enforcement of orders: -

(i) If any person refuses or fails to comply with the order of eviction within thirty (30) days from the date of its issue, the Collector & District Magistrate or any other officer duly authorised by the Collector & District Magistrate in this behalf may evict that person from the premises in question and take possession;

(ii) The Collector & District Magistrate shall have powers to enforce the eviction orders through police and the District Superintendent of Police or Commissioner of Police, in case of cities, concerned shall be bound to carry out execution of the eviction order;

(iii) The Collector & District Magistrate will further hand over the property in question to the concerned senior citizen /parent; and

(iv) The Collector & District Magistrate shall forward monthly report of such cases to the Director, Department for Empowerment of Persons with Disabilities, Senior Citizens and Transgender Persons by 7th of the following month.

(d) Appeal: -

(i) Any appeal against the order of the Collector & District Magistrate shall lie before the Commissioner/Director, Department for Empowerment of Persons with Disabilities, Senior Citizens and Transgender Persons, Telangana, within thirty (30) days of the issue of the orders by the District Collector & Magistrate.

(ii) Provisions regarding disposal of appeals before Appellate Tribunal shall apply mutatis mutandis to the appeals before the Commissioner/Director, Department for Empowerment of Persons with Disabilities, Senior Citizens and Transgender Persons, Telangana

27. In the instant case, the 4th respondent's proceedings before the Primary Authority were for cancellation of the Gift Deed dated 06.04.2018 under Section 23 of the Act. The relief sought and the nature of adjudication undertaken by the Primary Authority and the Appellate Authority clearly fall within the domain of Section 23 read with Section 16. The matter was not one instituted under Rule 21(3) seeking eviction. In such circumstances, the 4th respondent could not have invoked a separate statutory channel under Rule 21(3) to reopen or re-agitate what had attained finality under the appellate order dated 06.07.2023.

28. It is to be noted that by entertaining a further proceeding styled as a 'second appeal' or a 'review petition' or 're-appeal' and passing the remand order dated 18.03.2025, the 2nd respondent

assumed a jurisdiction which the parent statute or the Rules framed thereunder do not confer. It is well settled that when an authority acts without inherent jurisdiction, its order is a nullity in the eye of law. Consequently, the remand order dated 18.03.2025, being without any statutory sanction, cannot be sustained. All consequential proceedings, including the order dated 22.04.2025 passed by the 3rd respondent pursuant to such remand (as challenged in W.P.No.15033 of 2025), derive their validity from the said remand and are therefore equally vitiated.

29. The Hon'ble Supreme Court in ***Kiran Singh v. Chaman Paswan***³, has held as under:

6.It is a fundamental principle well-established that a decree passed by a Court without jurisdiction is a nullity & that its invalidity could be set up whenever and wherever it is sought to be enforced or relied upon, even at the stage of execution and even in collateral proceedings.....

(emphasis supplied)

30. We also find merit in the contention that the learned Single Judge did not adjudicate upon this core jurisdictional objection. W.P.Nos.8647 and 10245 of 2025 were instituted specifically questioning the competence of the 2nd respondent to entertain the alleged 'second appeal' and to pass the remand order dated 18.03.2025. However, by order dated 18.09.2025, W.P.No.10245 of 2025 was dismissed as having become infructuous in view of subsequent developments. It is pertinent to note that when a writ

³ AIR 1954 SC 340

petition raises a pure question of jurisdiction going to the root of the authority's competence, such a challenge cannot be rendered infructuous merely because a consequential order has been passed in the interregnum.

31. The Hon'ble Supreme Court in ***Godrej Sara Lee Limited v. The Excise and Taxation Officer-cum-Assessing Authority & others***⁴, has held as under:

9. Now, reverting to the facts of this appeal, we find that the appellant had claimed before the High Court that the suo motu revisional power could not have been exercised by the revisional authority in view of the existing facts and circumstances leading to the only conclusion that the assessment orders were legally correct and that the final orders impugned in the writ petition were passed upon assuming a jurisdiction which the revisional authority did not possess. In fine, the orders impugned were passed wholly without jurisdiction. Since a jurisdictional issue was raised by the appellant in the writ petition questioning the very competence of the revisional authority to exercise suo motu power, being a pure question of law, we are of the considered view that the plea raised in the writ petition did deserve a consideration on merits and the appellant's writ petition ought not to have been thrown out at the threshold.

(emphasis supplied)

32. The failure to adjudicate upon the jurisdictional competence of the 2nd respondent has had the effect of permitting an administrative order, *prima facie* unsupported by statutory sanction, to subsist unexamined. In our considered opinion, such a course reflects a material irregularity in the exercise of powers under judicial review and, therefore, cannot be sustained.

⁴ 2023 SCC OnLine SC 95

Nature of the reliefs sought and the question of Infructuousness

33. Insofar as W.P.No.8647 of 2025 is concerned, the relief sought was in the nature of a writ of prohibition restraining the 2nd respondent from proceeding further in what was styled as a 'second appeal' against the order dated 06.07.2023 passed by the District Collector in Appeal Case No.61/E/2023. The record discloses that notice dated 10.03.2025 was issued fixing the matter on 18.03.2025, and the appellant/petitioner approached this Court questioning the very jurisdiction of the 2nd respondent to entertain such proceedings.

34. It is to be noted that a writ of prohibition is preventive in nature. It is issued to restrain a Tribunal or authority from acting without or in excess of jurisdiction. The challenge in W.P.No.8647 of 2025 was not directed merely against a possible adverse outcome, but against the assumption of jurisdiction itself. Therefore, the invocation of this Court's jurisdiction at the threshold was legally justified.

35. It is to be noted that the subsequent passing of the remand order dated 18.03.2025 during the pendency of the writ proceedings does not render the jurisdictional challenge academic. If such a course were to be endorsed, an authority whose competence is under judicial scrutiny could frustrate review by hastening to conclude proceedings and thereafter, assert that the

writ petition has become infructuous. Such a position would dilute the efficacy of judicial review under Article 226 of the Constitution. The validity of the initial assumption of jurisdiction remains justiciable even after a final order is passed; where jurisdiction is inherently lacking, the resulting order is void in law.

36. Insofar as W.P.No.10245 of 2025 is concerned, it specifically assailed the remand order dated 18.03.2025 passed by the 2nd respondent in Appeal No.S1/565/2025. That remand order constituted the foundation for the revival of proceedings which had earlier culminated in the appellate order dated 06.07.2023. Pursuant thereto, the 3rd respondent passed the order dated 22.04.2025 in Case No.61/E/2023, which was independently challenged in W.P.No.15033 of 2025.

37. The contention that the passing of the order dated 22.04.2025 rendered the challenge to the remand order infructuous cannot be sustained in the factual context of this case. The doctrine of merger has no application here. The remand order was passed by the 2nd respondent, whereas the consequential order was passed by the 3rd respondent. The latter does not absorb or eclipse the former; rather, its validity is wholly dependent upon the legality of the remand.

38. In *Yasmeen Zia v. Haneefa Khursheed*⁵, the Allahabad High Court clarified that an order passed in consequence of a remand is dependent and subordinate in nature, and that the validity of such subsequent order is intrinsically contingent upon the validity of the remand order itself. The relevant paras are extracted hereunder:

23. The law gives to the person aggrieved by the order of remand, a right to appeal, and that right cannot be taken away only for the reason that a final order has been passed consequent to the remand, either before or after a person, files an appeal against the remand order. So long as his appeal is otherwise in order, he would have a right to be heard, and such an appeal cannot be dismissed on the mere ground that another appeal has not been filed from the final order passed by the trial court consequent to the remand. This would be so also for the reason that the final order which is passed by the trial court after the order of remand is in its nature dependent and subordinate to the order of remand, since it would be consequential to the same and is to be controlled by the terms of the remand order. It would, therefore, follow that if the remand order is set aside, the order passed by the trial court, consequent thereto, would also fall on the ground.

24. As regards the contention sought to be raised by the respondents that the later order passed by the trial court consequent to the remand order having not been appealed against, would remain in force even if the earlier order were to be reversed, and therefore, the present appeal would be of no consequence, it may be observed that the later order passed by the trial court merely carries out the directions of the remand made by the first appellate court, and it cannot in any way be held to have the effect of superseding the said order. The validity of the later order passed by the trial Judge would, therefore, depend upon the validity of the earlier order passed by the first appellate court. The trial court's jurisdiction to hear the case being dependent upon the remand order, if the remand order is held to be invalid, the proceedings consequent to the remand order would be rendered non est.

(emphasis supplied)

⁵ 2023 SCC OnLine All 896

Although the aforesaid decision was rendered in the context of the provisions of the Code of Civil Procedure, 1908, in our opinion the principles enunciated therein apply with equal force to the case on hand.

39. At this juncture, it may be observed that to treat the challenge to the remand order as infructuous, while simultaneously adjudicating the consequential order on merits, results in an incongruous position. The appellant is thereby deprived of adjudication on the foundational issue of jurisdiction, even though all subsequent proceedings derive their legitimacy from it. Where the objection pertains to inherent lack of jurisdiction, the issue does not cease to survive merely because further steps have been taken in pursuance of the order dated 18.03.2025.

Validity of the order dated 22.04.2025: Statutory compliance and adherence to principles of natural justice

40. On perusal of the order dated 22.04.2025 passed by the 3rd respondent in Case No.61/E/2023, this Court find that it suffers from serious infirmities. The operative reasoning therein records, in substance, that the respondent (appellant herein) was not maintaining the 4th respondent and was not taking care of him. However, the order does not reflect a detailed analysis of the pleadings, documentary material, or the objections filed by the

appellant/petitioner. The relevant portion of the order is extracted hereunder:

“Based on the hearings of the case, it has been established that the Respondent is not taking care of the Petitioner and not maintaining him either. In this case, even though the condition regarding the maintenance of donor is not there in the Gift deed and the petitioner herein is a super senior citizen, who has been repeatedly ill-treated by the respondents. In such cases, the law of the Senior Citizen act, 2007, should be read in spirit and not just letter.

It is further observed that the property in question, claimed by the Appellant, is his self-acquired property, which had earlier been voluntarily transferred through a registered Gift Deed in favour of his grandson.

The Act was brought in force to protect the life and livelihood of Senior Citizens and hence as per the hearings done in this case, it is hereby ordered to cancel the gift deed in favor of senior Citizen. RDO Keesara to comply with the order, in accordance with the provisions of the Acts and Rules, and take necessary action along with submission of the same to this court under acknowledgement.”

(emphasis supplied)

41. A perusal of the pleadings indicates that the appellant had asserted that the parties had resided together for a substantial duration; that the 4th respondent was possessed of independent and adequate pensionary income; and that the Gift Deed dated 06.04.2018 did not incorporate any stipulation rendering the transfer conditional. The order passed by the 3rd respondent, however, does not reflect any substantive or reasoned consideration of these material assertions.

42. It emerges from the record that, subsequent to the execution of the Gift Deed, the appellant is stated to have demolished the existing structure and undertaken new construction by availing financial assistance including through bank loans. Although

proceedings under Section 23 of the 2007 Act are directed primarily towards examining the validity of the transfer, an order annulling a registered gift deed and restoring the property cannot be passed in abstraction from the surrounding equities, especially where substantial improvements are asserted to have been made by the transferee. The order dated 22.04.2025 does not disclose any examination of these relevant circumstances.

43. On the procedural aspect, the record indicates that pursuant to notice dated 28.03.2025, the appellant/petitioner appeared before the 3rd respondent on 02.04.2025 and submitted a representation seeking deferment of proceedings on the ground that the remand order dated 18.03.2025 was under challenge before this Court. However, the order dated 22.04.2025 does not disclose any reasoned consideration of the said representation nor any finding as to why the request was rejected. The principles of natural justice require not merely an opportunity to appear, but an effective opportunity to present one's case and have it duly considered. Thus, an order passed without dealing with material objections cannot be said to satisfy this requirement.

Observations concerning the alleged misrepresentation before the Sub-Registrar

44. The learned Single Judge has observed that the appellant/petitioner had played fraud upon the Sub-Registrar by

allegedly tampering with or misrepresenting the interim order of this Court. However, the material placed on record indicates that upon the grant of interim suspension on 07.05.2025 in W.P.No.15033 of 2025, the appellant/petitioner addressed a communication to the Sub-Registrar to appraise the registering authority of the said judicial order. The inclusion of the Sub-Registrar in the cause title of the representation as contended by the learned counsel for the appellant appears to have been intended to secure compliance with the interim direction and to avoid further action pursuant to the alleged cancellation. There is no material to suggest any alteration, fabrication, or distortion of the Court's order inasmuch as a copy of the interim order itself was appended to the representation. In the absence of clear and cogent evidence establishing deliberate deception, a finding of fraud entailing serious civil consequences, ought not to have been recorded.

45. Therefore, the observations made in the order dated 18.09.2025 in W.P.No.15033 of 2025 by the learned Single Judge, branding the appellant/petitioner's conduct as fraudulent is not supported by a clear evidentiary foundation and cannot be sustained.

Conclusion

46. For the foregoing reasons, this Court is of the considered opinion that the orders dated 18.09.2025 passed by the learned Single Judge cannot be sustained and is liable to be set aside. The initiation of proceedings before the 2nd respondent, styled as a 'second appeal' against the order dated 06.07.2023 of the 3rd respondent (District Collector), was wholly without statutory authority and jurisdiction. The assumption of such jurisdiction being void, the consequential remand order dated 18.03.2025, cannot be sustained. All consequential proceedings, including the order dated 22.04.2025 passed by the 3rd respondent are also liable to be set aside.

47. Accordingly, W.A.Nos.197, 198 and 199 of 2026 are allowed and the impugned orders dated 18.09.2025 passed in W.P.Nos.15033, 8647 and 10245 of 2025 by the learned Single Judge are set aside.

48. Consequently, W.P.No.15033 of 2025 stands allowed and the order dated 22.04.2025 passed by the 3rd respondent in Case No.61/E/2023 is quashed; W.P.No.8647 of 2025 stands allowed and it is declared that the 2nd respondent lacked jurisdiction to entertain Appeal No.S1/565/2025 against the order dated 06.07.2023 of the 3rd respondent (District Collector). Accordingly notice dated 10.03.2025 and the order dated 18.03.2025 issued by the 2nd respondent therein are quashed; and W.P. No.10245 of

2025 stands allowed and the order dated 18.03.2025 passed by the 2nd respondent in Appeal No.S1/565/2025 is quashed as being without jurisdiction.

49. It is clarified that no opinion is expressed on the substantive rights of the 4th respondent to seek cancellation of the Gift Deed dated 06.04.2018; or on the appellant's claim in respect of alleged improvements to the property. All such issues are left open to be agitated before the competent Civil Court in accordance with law.

Consequently, miscellaneous petitions pending if any shall stand closed. No order as to costs.

SD/-K.SHYLESHI
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

One Fair Copy to the Hon'ble THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
(For His Lordships Kind Perusal)

and

One Fair Copy to the Hon'ble SRI JUSTICE G.M. MOHIUDDIN
(For His Lordships Kind Perusal)

To,

1. The Principal Secretary, Women, Children, Disabled and Senior Citizens Department, Telangana Secretariat, Saifabad, Hyderabad, State of Telangana.
2. The Commissioner / Director, Maintenance and Welfare of Parents, Senior Citizens and Transgender Persons Department Government of Telangana, Ground Floor, Vikalangula Sankshama Bhavan, Nalgonda Cross Roads, Hyderabad.
3. The Appellate Tribunal and Additional District Collector, Medchal Malkajgiri District.
4. The District Collector, Integrated District Offices Complex, Anthaipally (V), Shamirpet Mandal, Medchal Malkajgiri District.
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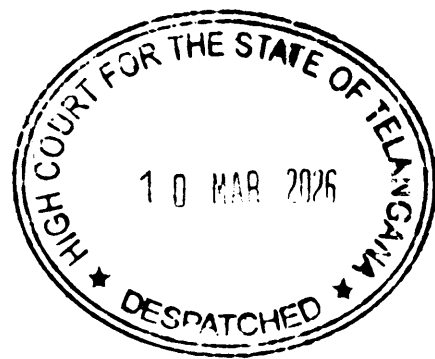
[Signature]

HIGH COURT

DATED: 27/02/2026

COMMON JUDGMENT

WA.Nos.197, 198 & 199 of 2026



**ALLOWING ALL THE WRIT APPEALS,
WITHOUT COSTS**

(26)

Kpr
10/3/26