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ORISSA HIGH COURT : CUTTACK

Applications under Articles 226 & 227 of the Constitution of India.

WP(C) No.23193 of 2025

* * *

Himanshu Sekhar Sahoo

...

Petitioner.

-VERSUS-

Babaji Charan Sahoo & Another

...

Opposite Parties.

Counsel appeared for the parties:

For the Petitioner : Mr. B. Baug, Senior Advocate
Assisted by Mr. M.R. Baug, Adv.
For the Opposite Parties : Mr. G. Mohanty, Standing Counsel.
(For the State Opp. Party No.2)
Mr. K. Badhei, Adv.
(For the Opp. Party No.1)

WP(C) No.24893 of 2025

Babaji Charan Sahu

...

Petitioner.

-VERSUS-

Sub-Collector-cum –Presiding Officer, Sub-Divisional Senior
Citizen’s Tribunal, Bhubaneswar & Others

...

Opposite Parties.



Counsel appeared for the parties:

For the Petitioner : Mr. K. Badhei, Adv.
For the Opposite Parties : Mr. G. Mohanty, Standing Counsel.
(For the State Opp. Party No.1)
Mr. B. Baug, Senior Advocate
Assisted by Mr. M.R. Baug, Adv.
(For the Opp. Party No.4)

P R E S E N T:

**HONOURABLE
MR. JUSTICE ANANDA CHANDRA BEHERA**

Date of Hearing : 25.02.2026 :: Date of Judgment : 17.03.2026

JUDGMENTS

ANANDA CHANDRA BEHERA, J.—

1. Since both these Writ Petitions have arisen out of same impugned order vide Order dated 07.08.2025 passed in Misc. Case Registration No.02/2025 by the Sub-Collector, Bhubaneswar-Cum-Presiding Officer, Sub-Divisional Tribunal, Bhubanswar for MWPSA Act, 2007, then, both the Writ Petitions are taken up together analogously for their final disposal through this common Judgment.

When WP(C) No.23193 of 2025 has been filed by the Son (Himanshu Sekhar Sahu) against his father (Babaji Charan



Sahu), the WPC No.24893 of 2025 has been filed by the father (Babaji Charan Sahu) against his son (Himanshu Sekhar Sahoo).

2. The factual backgrounds of both the Writ Petitions, which prompted the petitioners for filing the same are that, Babaji Charan Sahu being the senior citizen as well as an old father of Himanshu Sekhar Sahu, filed a petition vide Misc. Case Registration No.02/2025 before the Sub-Collector, Bhubaneswar-Cum-Presiding Officer, Sub-Divisional Tribunal, Bhubanswar for MWPSA Act, 2007 on dated 09.02.2025 against his son-Himanshu Sekhar Sahu praying for protection of his life and property stating that, he is a retired Government Employee as well as a pension holder. His age is 84 years. He was staying at village Baramunda in his father's house with his 3 sons. Some years before, his elder son and middle son both left the said house at Baramunda and they are staying with their respective families separately. So, he (Babaji Charan Sahu) was staying with his youngest son (Himanshu Sekhar Sahu) in that house at Baramunda, but, he was forced by his son Himanshu Sekhar Sahu to leave his



parental house at Baramunda. For which, he was compelled to leave that house and the said house at Baramunda was occupied by his son Himanshu Sekhar Sahu. Therefore, he stayed with his eldest son (Chandra Sekhar Sahu) at Siripur, Bhubaneswar. At present, he is staying with his middle son Sasanka Sekhar Sahu at Pokhariput, Bhubaneswar. As such, Babaji Charan Sahoo has alleged allegations of tortures and humiliation on him by his son Himanshu Sekhar Sahu. He (father-Babaji Charan Sahoo) has purchased some lands in the name of his son-Himanshu Sekhar Sahu in Mouza-Satyabhamapur, Lenkudi, Alarpur, Paikerapur and Baramunda. For which, he (Babaji Charan Sahoo) prayed for revocation of the said properties, those were purchased by him in the name of his son (Himanshu Sekhar Sahoo) to his name.

After taking the Petition and the report of the IIC, Airport PS, regarding the allegation of tortures and humiliations alleged by him (Babaji Charan Sahoo) against his son Himanshu Sekhar Sahoo as well as the pendency of an Appeal Case No.188/2024 before the Sub-Collector, Bhubaneswar



into account, the Sub-Collector, Bhubaneswar-Cum-Presiding Officer, Sub-Divisional Tribunal, Bhubanswar for MWPSA Act, 2007 passed the final impugned order in Misc. Case Registration No.02/2025 on dated 07.08.2025 as follows:

- i. The father (Babaji Charan Sahoo) and the Opp. Party (Himanshu Sekhar Sahoo) should stay peacefully at their residence.*
- ii. The Opp. Party-Son (Himanshu Sekhar Sahoo) should stop abusing, threatening and show immense respect to the petitioner-father.*
- iii. The Opp. Party-Son (Himanshu Sekhar Sahoo) should vacate ground floor of the house at Baramunda village for safe living of the petitioner-father (Babaji Charan Sahoo) and handover the same to petitioner-father (Babaji Charan Sahoo) by 22.08.2025 positively & report compliance.*
- iv. The property dispute matter is purely civil in nature and an appeal case has been filed in the court of Sub-Collector, Bhubaneswar vide No.188/2024, which is subjudice.*



3. On being aggrieved with the above impugned order dated 07.08.2025 passed in Misc. Case Registration No.02/2025 by the Sub-Collector, Bhubaneswar-Cum-Presiding Officer, Sub-Divisional Tribunal, Bhubanswar for MWPSA Act, 2007, the son-Himanshu Sekhar Sahoo challenged the same by filing WPC No.23193 of 2025 praying for quashing that impugned order dated 07.08.2025.

Likewise, on being partly dissatisfied with the said impugned order dated 07.08.2025 passed in Misc. Case Registration No.02/2025, the father-Babaji Charan Sahoo challenged the same by filing WPC No.24893 of 2025.

4. I have already heard from the learned Senior Counsel for the Son-Himanshu Sekhar Sahoo, learned counsel for the father-Babaji Charan Sahoo and the learned Standing Counsel for the State.

5. Basing upon the petition of the father (Babaji Charan Sahoo), the impugned order dated 07.08.2025 passed in Misc. Case Registration No.2/2025 by the Sub-Collector, Bhubaneswar-Cum-Presiding Officer, Sub-Divisional Tribunal, Bhubanswar for MWPSA Act, 2007, the grounds taken by the



parties in their respective Writ Petitions and the rival submissions of the learned counsels of both the sides, the crux of these Writ Petitions is that,

Whether the impugned order dated 07.08.2025 allowing in part to the Misc. Case Registration No.02/2025 passed by the Sub-Collector, Bhubaneswar-Cum-Presiding Officer, Sub-Divisional Tribunal, Bhubanswar for MWPSA Act, 2007 directing the son-Himanshu Sekhar Sahoo to vacate the ground floor of the house situated at Baramunda for safe living of the father-Babaji Charan Sahoo and to hand over that ground floor to the father refusing to revoke the properties in the name of the son-Himanshu Sekhar Sahoo to the name of the father-Babaji Charan Sahoo due to the pendency of Appeal Case No.188/2024 before the Sub-Collector, Bhubaneswar is sustainable under law?

6. During the Course of hearing, the learned counsel for the petitioner (Babaji Charan Sahoo) in WP(C) No.24893 of 2025 relied upon the following decisions:

i. Kamalakanta Mishra Vs. Addl. Collector and Others reported in 2025 MANU/SCOR/72441/2025



ii. Sheeja Vs. Maintenance Appellate Tribunal/District Collector, Thiruvananthapuram and Others reported in 2018 (4) KLT.

iii. Urmila Dixit Vrs. Sunil Sharan Dixit reported in 2025 INSC 20.

iv. Sundhari Vs. The Revenue Divisional Officer:WPC No.20500 of 2016

7. The Sub-Collector, Bhubaneswar being the Tribunal under The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 has passed the impugned order dated 07.08.2025 in Misc. Case Registration No.02/2025 for the protection, security and dignity of the senior citizen-Babajji Charan Sahoo.

It is the settled propositions of law that,

“The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and the Rules thereof are the beneficial legislations. The beneficial statutes and legislations must receive liberal constructions in consonance with the objects to be served by it. The primary object of the said Act, 2007 is to give social justice to parents and senior citizens. Therefore, Court should adopt purpose oriented approach. Literal construction is to be avoided. It should be the duty of the Tribunals and Courts to discern the intention of the legislation enacted for the purpose. So, beneficial statutes should be given purposive construction, which should be in the line of its object.”



8. The intention of the legislature in enacting The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and its nature and manner of interpretations to be made by the Tribunal and Courts has already been clarified in the ratio of the following decisions:

- I. In a case between ***Philomina Vs. The Appellate Tribunal (Constituted under the Provisions of The Maintenance & Welfare of Parents and Citizens Act), Thiruvananthapuram*** reported in ***2021 (2) Civ.C.C. 806 (Kerala) Para No.12*** that, the Provisions of The Maintenance & Welfare of Parents and Citizens Act, 2007 is to give social justice to parents and senior citizens.
- II. In a case between ***Mrs. Rajani B. Somkuwar Vs. Ms. Sarita Somkuwar and Another*** reported in ***2020 (2) CCC 100 (Bombay)*** that, if children cannot take care of their parents and allow them to live in peace, they atleast ought not to make their life a living hell. (Para No.5)
- III. In a case between ***Urmila Dixit Vs. Sunil Sharan Dixit & Others*** reported in ***2025 (3) Civ.L.J. 341 (SC)*** that, Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and rules thereof being beneficial statutes, the same must receive liberal construction in consonance with objects to be served by it. Court should adopt purpose oriented approach. Literal construction be avoided. It is the duty of the Court to discern intention of Legislature while enacting it. Beneficial statutes should be given purposive construction which should be in line with its object.

9. Here in this matter at hand, when the impugned order dated 07.08.2025 passed in Misc. Case Registration No.02 of



2025 as well as the order sheet dated 21.01.2026 in WPC No.24893 of 2025 prepared on the basis of the submissions of the learned counsels of both the sides as well as the parties of both the sides i.e. father and son in person are going to show that,

“there is a two storied Pucca building on the ancestral properties of the parties at Village-Baramunda under Khata No.487, Plot No.760 in Mouza-Bhubaneswar Town, Unit No.19, Baramunda. In the 1st Floor thereof, Himanshu Sekhar Sahoo with his wife and children is residing. In the ground floor thereof, old father-Babaji Charan Sahoo is eagerly interested to stay in order to spend the rest period of his life in his parental properties.”

10. When the present age of the father Babaji Charan Sahoo is 86 years and he is extremely old and his wife has expired and when the primary object of The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is to give social justice to parents and senior citizens and when it is the duty of the tribunals and Courts under the Act, 2007 to discern the above intention of the legislature and when Rule 19 of the Orissa Maintenance of Parents and Senior Citizens Rules, 2009 provides that, the orders under the Act, 2007 are to be



passed, by which, the Senior Citizens shall be able to live with security and dignity, and when the impugned order dated 07.08.2025 in Misc. Case Registration No.02/2025 has been passed by the Sub-Collector, Bhubaneswar-Cum-Presiding Officer, Sub-Divisional Tribunal, Bhubanswar for MWPC Act, 2007 in order to enable the senior citizen Babaji Charan Sahoo, (who is aged about 86 years) to live in his parental house with security and dignity in order to achieve the noble object of the benevolent/legislation i.e., The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and the Rules thereof, then, at this juncture, by applying the principles of law enunciated in the ratio of the above decisions to these matters at hand, I find no justification for making any interference with the impugned order dated 07.08.2025 passed in Misc. Case Registration No.02/2025 by the Sub-Collector, Bhubaneswar-Cum-Presiding Officer, Sub-Divisional Tribunal, Bhubanswar for MWPC Act, 2007 through the Writ Petition filed by the Son-Himanshu Sekhar Sahoo. For which, there is no merit in his WPC No.23193 of 2025. The same must fail.



11. So far as WPC No.24893 of 2025 filed by the Senior Citizen i.e. father-Babaji Charan Sahoo is concerned,

Section 16 of The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 provides a statutory appellate forum to the senior citizen like Babaji Charan Sahu to challenge the impugned order passed by Sub-Collector.

When an efficacious statutory appellate forum was available to the father-cum-senior citizen Babaji Charan Sahoo to challenge the partly allowed impugned order, then, the WPC No.24893/2025 filed by him (Babaji Charan Sahoo), bypassing the statutory appellate forum cannot be entertainable under law.

For which, the Writ Petition filed by the father-Babaji Charan Sahoo is liable to be dismissed.

12. As per the discussions and observations made above, both the writ petitions vide WPC Nos.23193 and 24893 of 2025 filed by the Son and Father i.e. Himanshu Sekhar Sahoo and Babaji Charan Sahoo respectively are liable to be dismissed.



13. In result, both the writ petitions filed by the respective parties against each other are dismissed on contest.

14. As such, both the writ petitions are disposed of finally.

(ANANDA CHANDRA BEHERA)
JUDGE

High Court of Orissa, Cuttack
The 17.03.2026// Rati Ranjan Nayak
Sr. Stenographer