



A.F.R.

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.680 of 2026

(In the matter of an application under Articles 226 and 227 of the Constitution of India)

Parbati Das

....

Petitioner

-versus-

Collector, Balasore and others

and

Opposite Parties

Appeared in this case:-

For Petitioner

:

Mr. S.S. Pradhan, Advocate

For Opposite Parties

:

Mr. G. Mohanty,
Learned Standing Counsel
(For the State Opposite Party
Nos.1 and 2)

CORAM:

JUSTICE A.C. BEHERA

JUDGMENT

Date of hearing : 23.03.2026 / date of judgment : 30.03.2026

A.C. Behera, J. This writ petition under Articles 226 and 227 of the Constitution of India, 1950 has been filed by the petitioner (old widow mother of the Opposite Party Nos.3 and 4) praying for quashing the impugned order dated 07.11.2025 (Annexure-4) passed in Misc. Appeal No.12 of 2024 under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 by the Collector,



Balasore(Opposite Party No.1) and to confirm the order dated 29.02.2024(Annexure-2) passed in Misc. Case No.49 of 2023 by the Sub-Collector, Balasore-cum-Presiding Officer, Maintenance and Welfare of Parents and Senior Citizens Act, 2007(Opposite Party No.2).

2. The factual backgrounds of this writ petition, which prompted the old widow petitioner for filing of the same is that, she(petitioner) is an old widow helpless senior citizen as well as mother of the Opposite Party Nos.3 and 4 and her present age is 83 years. Her one son, i.e., Opposite Party No.3(Rajendra Das) is a vegetable seller and her another son, i.e., Opposite Party No.4(Jitendra Das) is a Home guard and they(Opposite Party Nos.3 and 4) both are married. Her sons, i.e., Opposite Party Nos.3 and 4 divided her husband's ancestral house between them without providing any room therein to her(petitioner) for her stay. She(petitioner) has no income of her own. Due to her extreme old age, she(petitioner) is not able to maintain her and she has nothing with her to maintain. When, her sons, i.e., Opposite Party Nos.3 and 4 did not provide her(petitioner) anything for her sustenance and medical



expenses, then, without getting any way, she(petitioner) filed Misc. Case No.49 of 2023 before the Sub-Collector, Balasore-cum-Presiding Officer, Maintenance and Welfare of Parents and Senior Citizens Act, 2007(Opposite Party No.2) under Section 7 of the said Act, 2007 praying for directing her sons(Opposite Party Nos.3 and 4 in this writ petition) for providing her maintenance and financial assistance for her medical treatments and expenditures.

3. To which, her two sons, i.e., Opposite Party Nos.3 and 4 objected by filing objection stating therein that, there was an amicable settlement between them to provide maintenance to the petitioner, for which, there is no negligence on their part in providing maintenance to her(petitioner). They are residing in their ancestral residential house in separate mess. Presently, the Opposite Party No.4(Jitendra Das) is staying with his family in his Government quarter and there was a mutual understanding between them on dated 11.11.2021 before the District Mediation Centre, Balasore under DLSA, Balasore that, the Opposite Party No.3(Rajendra Das) shall pay Rs.1,000/- (rupees one thousand) per month to the Opposite Party



No.4(Jitendra Das) to take care of the petitioner, but, the Opposite Party No.3(Rajendra Das) is not paying the same. In fact, no room in their ancestral house has been provided to the petitioner. As such, they(Opposite Parties) are not negligent in any manner in maintaining their mother, i.e., petitioner.

4. After hearing from both the sides, the Opposite Party No.2 passed final order in Misc. Case no.49 of 2023 on dated 29.02.2024(Annexure-2) and allowed the petitioner to stay with the Opposite Party No.4(Jitendra Das), who will maintain her(petitioner) and directed to the Opposite Party No.3(Rajendra Das) to pay Rs.5,000/- (rupees five thousand) per month to her(petitioner) clarifying that, none of the Opposite Parties among Opposite Party Nos.3 and 4 shall obstruct in staying of the petitioner in her husband's ancestral house and if any untoward situation is created by the Opposite Party Nos.3 and 4(Rajendra Das and Jitendra Das), the petitioner(mother) is at liberty to lodge an F.I.R. against them in the local Police Station assigning the reasons in that order vide Annexure-2 that,



“the petitioner is the old widow mother of the Opposite Parties and her age is 82 years and she is incapable physically to earn something for her maintenance. She has not been given a portion of the ancestral house of the Opposite Parties to stay, for which, it is the duty and responsibility of her sons, i.e., Opposite Parties(Rajendra Das and Jitendra Das) to take her care at her old age, as she is physically incapable.”

5. On being dissatisfied with the aforesaid order dated 29.02.2024(Annexure-2) passed in Misc. Case No.49 of 2023 by the Opposite Party No.2, one son of the petitioner, i.e., Rajendra Das, (Opposite Party No.1 in Misc. Case No.49 of 2023) challenged the said order dated 29.02.2024(Annexure-2) passed in Misc. Case No.49 of 2023 by the Opposite Party No.2 preferring Misc. Appeal No.12 of 2024 under Section 16 of the Act, 2007 before the Appellate Tribunal, i.e., Collector-cum-District Magistrate, Balasore(Opposite Party No.1) being the appellant against the petitioner arraying her(petitioner) as Respondent No.2 and also arraying his brother Jitendra Das as Respondent No.3 praying for setting aside that impugned order dated



29.02.2024 (Annexure-2) passed in Misc. Case No.49 of 2023 by the Opposite Party No.2.

6. After hearing from both the sides, the Appellate Tribunal, i.e., Collector-cum-District Magistrate, Balasore (Opposite Party No.1 in this writ petition) set aside to the impugned order dated 29.02.2024(Annexure-2) as per the final order dated 07.011.2025(Annexure-4) passed in Misc. Appeal No.12 of 2024 and remitted back the matter vide Misc. Case No.49 of 2023 to the Opposite Party No.2 for making a fresh enquiry and to take a final decision as per law after giving opportunity of being heard to both the parties.

7. To which, the petitioner challenged by filing this writ petition under Articles 226 and 227 of the Constitution of India, 1950 praying for quashing the aforesaid impugned order dated 07.11.2025(Annexure-4) passed in Misc. Appeal No.12 of 2024 by the Opposite Party No.1 and to confirm the order dated 29.02.2024(Anneure-2) passed in Misc. Case No.49 of 2023 by the Opposite Party No.2 on the ground of lack of jurisdiction of the Opposite Party No.1 to entertain the Misc. Appeal no.12 of 2024 under Section 16



of The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 filed by the Opposite Party No.3(Rajendra Das).

8. I have already heard only from the learned counsel for the petitioner, the learned Standing Counsel for the Opposite Party No.1 and 2, as none appeared on behalf of the Opposite Party Nos.3 and 4 to participate in the hearing of this writ petition.

9. In order to assail the impugned order vide Annexure-4 passed by the Opposite Party No.1 in Misc. Appeal No.12 of 2024 on the ground of incompetency of the Opposite Party No.3(appellant in Misc. Appeal No.12 of 2024) to prefer that appeal, the learned counsel for the petitioner relied upon the following decisions:-

(i) In a case between ***Dinesh Bhanudas Chandanshive vrs. State of Maharashtra and others*** : reported in ***(2024) 1 High Court Cases(Bombay)-125, 2024 SCC OnLine Bombay-336.***

(ii) In a case between ***K. Raju vrs. Union of India represented by Secretary to Government and others*** : reported in ***(2021) SCC OnLine Madras-746.***



(iii) In a case between ***Mamata Sarki and another vrs. State of West Bengal and others*** : reported in ***2020 SCC OnLine Calcutta-721***.

(iv) In a case between ***Sri K. Lokesh vrs. The Bangalore District Maintenance and Welfare of parents and senior citizens appellate Tribunal and Special Duty Commissioner-1, Bengaluru North Sub-division, Bengaluru and others*** : decided in ***Writ Appeal No.254 of 2024(GM-RES) dated 20.12.2024***.

10. The provisions of law envisaged in Section 16 of the Orissa Maintenance and Welfare of Parents and Senior Citizens Act, 2007 only empowers 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 such order, prefer an appeal to the Appellate Tribunal.

Therefore, right of an appeal before the Appellate Tribunal under Section 16 of the Act, 2007 is only available to any Senior Citizen or a Parent, who is aggrieved by an order of the Tribunal, but, such right is not available to any other person than senior citizen or a parent like the Opposite Party No.3 in this writ petition, as he(Opposite Party No.3) is neither a senior citizen nor a parent.



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

11. The law relating to the non-maintainability of an appeal under Section 16 Maintenance and Welfare of Parents and Senior Citizens Act, 2007 before the Appellate Tribunal under the said Act, 2007, other than senior citizen or parent has already been clarified in the ratio of the following decisions:-

- (i) In a case between ***K. Raju vrs. Union of India represented by Secretary to Government and others*** : reported in **2021 SCC Online (Madras)-746**(Para No.9) that,



When, the words used in Section 16 of the Act, 2007 are that, any senior citizen or parent aggrieved by order of a Tribunal may prefer an appeal, then, there is no room to imagine that, others, then senior citizen or parent aggrieved by order of the tribunal can prefer an appeal.

(ii) In a case between **Mamata Sarki and another vs. State of West Bengal and others** : reported in **2020 SCC Online Calcuta-721**(Para Nos.16 and 21) that,

Sections 16 and 2 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 provides right of appeal before Appellate Tribunal only to senior citizen and parent to the exclusion of children and relatives as defined in Section 2 of the said Act, 2007.

Therefore, right of appeal under the said Act is not available to the children and relatives.

For which, appeal filed by the children under Section 16 of the Act, 2007 challenging the order of maintenance Tribunal is not maintainable.

(iii) In a case between **K. Lokesh vs. The Bangalore District Maintenance and Welfare of Parents and Senior Citizens Appellate Tribunal and Special Deputy Commissioner-1, Bengaluru North Sub-Division, Bengaluru and others** decided on dated **20.12.2024 in Writ Appeal No.254 of 2024(GM-RES)** (at Para Nos.18 and 19) that,

The language of Section 16 of the Act, 2007 is plain, clear and unambiguous.

The said provision specifically and unequivocally grants the right of appeal exclusively to senior citizens. Extending this right to any other person is not permissible.

When, the statutory provisions is ambiguous, interpretative tools can be used to resolve the ambiguity. If, after such an exercise and court finds ambiguity, the interpretation should aim to fulfill the purpose of the provisions. However, Section 16 of the Act is clear and unambiguous, leaving no necessity to resort to interpretation tools.

(iv) In a case between **Dinesh Bhanudas Chandanshive vs. State of Maharashtra and others** : reported in **(2024) 1 High Court Cases(Bombay)-125,**



2024 SCC OnLine Bombay-336 that, the petitioner contended that, Section 16 of the Act, 2007 is arbitrary and illegal, as it provides remedy of appeal only to senior citizen or parents, but, does not provide remedy to any other person.

Held—Section 16 of the Act, 2007, which provides the right to appeal only to senior citizen or a parent.

(v) In a case between **K. Lokesh vrs. Bangalore District Maintenance and Welfare of Parents and Senior Citizens Appellate Tribunal and Special Deputy Commissioner-1 and others** : reported in **2025(1) CCC-15(Karnatak)** that, Right of appeal of Act, 2007 is not available to any other party than senior citizen or parent.

(vi) In a case between **Ramesh Chandra Jaiswal and another vrs. Pankaj Jaiswal** : reported in **2025(3) CCC-143(Uttarakhand)** that, right of appeal under Section 16(1) of the Act, 2007 empowers only to a senior citizen or a parent to prefer an appeal against the order of maintenance passed by the Tribunal within the period of limitation not to any other person, then, senior citizen or parent.

(v) In a case between **Himanshu Sekhar Sahoo vrs. Babaji Charan Sahoo and another(Orissa)** decided **on dated 17.03.2026** that, Section 16 of The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 provides right of an appeal only to a Senior Citizen or an Parent, but, no others.

12. When, order dated 29.02.2024(Annexure-2) in Misc. Case No.49 of 2023 was passed by the Opposite Party No.2 for the protection, security, safeguard, dignity and sustenance of the old widow helpless petitioner and senior citizen-cum-mother of the Opposite Party Nos.3 and 4 in the line of the object of the Orissa Maintenance and Welfare of Parents and Senior Citizens Act, 2007 for no other



reason, but, only in order to provide social justice to the petitioner and when, Rule-19 of The Orissa Maintenance and Welfare of Parents and Senior Citizen Rules, 2009 casts duties upon the Tribunals under the Act, 2007 to ensure the lives and properties of the senior citizens like the petitioner residing within their jurisdiction and to pass orders for their protection, by which, they will live with security and dignity and when any right of appeal under Section 16 of the Act, 2007 was/is not available to the Opposite Party No.3, then at this juncture, by applying the principles of law enunciated in the ratio of the aforesaid decisions, it is held that, the Appeal vide Misc. Appeal No.12 of 2024 under Section 16 of the Act, 2007, which was preferred by the Opposite Party No.3(Rajendra Das) against her old mother, i.e., petitioner was not entertainable under law before the Appellate Tribunal, i.e., Opposite Party No.1. For which, the impugned order dated 07.11.2025 (Annexure-4) passed in Misc. Appeal No.12 of 2024 by the Collector-cum-District Magistrate, Balasore (Opposite Party No.1) is held as without jurisdiction.



13. When, it is held above that, the impugned order dated 07.11.2025(Annexure-4) passed in Misc. Appeal No.12 of 2024 by the Collector-cum-District Magistrate, Balasore(Opposite Party No.1) is without jurisdiction, then at this juncture, then, the said impugned order dated 07.11.2025(Annexure-4) passed in Misc. Appeal No.12 of 2024 by the Opposite Party No.1 cannot be sustainable under law. The same is liable to be quashed.

For which, there is justification under law for making interference with the impugned order dated 07.11.2025(Annexure-4) passed in Misc. Appeal No.12 of 2024 by the Opposite Party No.1 through this writ petition filed by the petitioner.

14. As such, there is merit in the writ petition filed by the petitioner. The same must succeed.

15. In result, the writ petition filed by the petitioner is allowed on merit.

The impugned order dated 07.11.2025(Annexure-4) passed in Misc. Appeal No.12 of 2024 by the Collector-cum-



District Magistrate, Balasore (Opposite Party No.1) is quashed.

The order dated 29.02.2024(Annexure-2) passed in Misc. Case No.49 of 2023 by the Sub-Collector, Balasore-cum-Presiding Officer, Maintenance and Welfare of Parents and Senior Citizens Act, 2007(Opposite Party No.2) is confirmed.

16. As such, this writ petition filed by the petitioner is disposed of finally.

(A.C. Behera)
Judge

Orissa High Court, Cuttack
The 30th of March, 2026/ Jagabandhu, P.A.