



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO. 50661 OF 2017 (GM-RES)

C/W

WRIT PETITION NO. 55406 OF 2017 (GM-RES)

IN WP No. 50661/2017

BETWEEN:

1. SRI. G. MADHU
S/O MAHABALESHWARAPPA
AGED ABOUT 39 YEARS,
R/O D.NO.1663/43
10TH CROSS, BHADRA P U COLLEGE ROAD
SIDDAVEERAPPA BADAVANE
DAVANAGERE TALUK
AND DISTRICT - 577101.
2. SMT. GEETHA
W/O G. MADHU
AGED ABOUT 35 YEARS,
R/O D.NO.1663/43
10TH CROSS, BHADRA P U COLLEGE ROAD
SIDDAVEERAPPA BADAVANE
DAVANAGERE TALUK AND
DISTRICT - 577101.

...PETITIONERS

(BY SMT. AISHWARYA HEGDE, ADVOCATE FOR
SRI. SANTHOSH R. NELKUDRI, ADVOCATE)





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AND:

1. STATE OF KARNATAKA
REPRESENTED BY SECRETARY TO
HEALTH AND FAMILY WELFARE DEPARTMENT,
DR. AMBEDKAR ROAD
BENGALURU-560 001.
2. DIRECTOR
DEPARTMENT FOR THE EMPOWERMENT
OF DIFFERENTLY ABLED AND SENIORS CITIZENS
PODIUM BLOCK VISHVESWARAIAH TOWER
DR. AMBEDKAR ROAD
BENGALURU-560 001.
3. DEPUTY COMMISSIONER
DAVANAGERE DISTRICT
DAVANAGERE-577001.
4. ASSISTANT COMMISSIONER
DAVANAGERE SUB DIVISION
DAVANAGERE-577001.
5. SRI MAHABALESHWARAPPA G.
S/O LATE GOWDRA KARIYAPPA
AGED ABOUT 74 YEARS
R/O D. NO.1663/43A
10TH CROSS, BHADRA P U COLLEGE ROAD
SIDDAVEERAPPA BADAVANE
DAVANAGERE TALUK AND DISTRICT-577001.
6. SMT. KENCHAMMA
W/O MAHABALESHWARAPPA G.
AGED ABOUT 64 YEARS
R/O NO.1663/43A 10TH CROSS,



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BHADRA P U COLLEGE ROAD
SIDDAVEERAPPA BADAVANE
DAVANAGERE TALUK AND DISTRICT-577001.

7. UNION OF INDIA
REPRESENTED BY ITS SECRETARY TO LAW &
JUSTICE
LEGISLATIVE DEPARTMENT,
SHASTRI BHAVAN, 4TH FLOOR,
DR. RAJENDRA PRASAD ROAD,
NEW DELHI-110001.

...RESPONDENTS

(BY SRI. MAHANTESH SHETTAR, AGA FOR R1 TO R4;
SRI. SHANTHI BHUSHAN H., DSGI FOR R7;
R5 AND R6 ARE SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
DECLARE THAT SECTION 17 OF THE MAINTENANCE AND
WELFARE OF PARENTS AND SENIOR CITIZENS ACT, 2007,
BARRING THE REPRESENTATION BY THE LEGAL
PRACTITIONERS BEFORE THE TRIBUNAL OR APPELLATE
TRIBUNAL IS INVALID, WITHOUT AUTHORITY OF LAW AND
ULTRA VIRES OF THE CONSTITUTION OF INDIA; AND ETC.

IN WP NO. 55406/2017

BETWEEN:

1. SMT. G. MADHU
S/O MAHABALESHWARAPPA
AGED ABOUT 39 YEARS,
R/O D.NO.1663/43



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10TH CROSS, BHADRA P U COLLEGE ROAD,
SIDDAVEERAPPA BADAVANE
DAVANAGERE TALUK AND DISTRICT.

2. SMT. GEETHA
W/O G MADHU
AGED ABOUT 35 YEARS,
R/O D.NO.1663/43
10TH CROSS, BHADRA P U COLLEGE ROAD,
SIDDAVEERAPPA BADAVANE
DAVANAGERE TALUK AND DISTRICT.

...PETITIONERS

(BY SMT. AISHWARYA HEGDE, ADVOCATE FOR
SRI. SANTHOSH R. NELKUDRI, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY SECRETARY TO
HEALTH AND FAMILY WELFARE DEPARTMENT,
DR.AMBEDKAR ROAD
BENGALURU-560 001.
2. DEPUTY COMMISSIONER
DAVANAGERE DISTRICT
DAVANAGERE-577001.
3. ASSISTANT COMMISSIONER
DAVANAGERE SUB DIVISION,
DAVANAGERE-577001.
4. SRI. MAHABALESHWARAPPA G
S/O LATE GOWDRA KARIYAPPA
AGED ABOUT 74 YEARS,
R/O D.NO.1663/43A, 10TH CROSS,
BHADRA P U COLLEGE ROAD,



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SIDDAVEERAPPA BADAVANE
DAVANAGERE TALUK AND DISTRICT.

5. SMT. KENCHAMMA
W/O MAHABALESHWARAPPA G.
AGED ABOUT 64 YEARS,
R/O D.NO.1663/43A
10TH CROSS, BHADRA P U COLLEGE ROAD,
SIDDAVEERAPPA BADAVANE
DAVANAGERE TALUK AND DISTRICT.

...RESPONDENTS

(BY SRI. MAHANTESH SHETTAR, AGA FOR R1 TO R3;
SRI. JAGADEESHGOUD PATIL, ADVOCATE FOR C/R4 & R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
QUASH THE ORDER DATED 29.11.2017 PASSED BY
RESPONDENT NO.3 VIDE ANNEXURE-P.

THESE WRIT PETITIONS, COMING ON FOR PRELIMINARY
HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE
THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

IN W.P. No.50661/2017:

1. In this writ petition, petitioners have questioned the vires
of Section 17 of the Maintenance and Welfare of Parents and



Senior Citizens Act, 2007 (hereinafter referred to as 'the Act'), barring the representation by the Legal Practitioners before the Tribunal or Appellate Tribunal as unconstitutional, inter alia, questioned the endorsement dated 16.10.2017 (Annexure-K).

2. Having heard the learned counsel appearing for the petitioners and learned Deputy Solicitor General of India, I am of the view that, the endorsement dated 16.10.2017 (Annexure-K) issued by respondent No.4, requires to be quashed, as this Court in W.P.No.1912/2023, by Order dated 26.06.2023, held that Section 17 of the Act is ultra vires and unconstitutional. In that view of the matter, the matter requires to be reconsidered by the respondent No.4 afresh, after providing fair opportunity to all the parties concerned and to take decision in the matter, in accordance with law.

3. Accordingly, the W.P.No.50661/2017 is allowed. The impugned endorsement dated 16.10.2017, as per Annexure-K, is hereby quashed. The matter is remitted to respondent No.4 - Assistant Commissioner, Davanagere Sub Division, Davanagere, to re-consider the matter afresh and take decision in accordance with law.



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IN W.P. No.55406/2017:

4. In view of allowing W.P.No.50661/2017 by quashing the endorsement dated 16.10.2017 (Annexure-K) passed by respondent No.4 therein, I am of the view that, the impugned order in this Writ Petition, passed on 29.11.2017 does not survive for consideration and requires to be re-considered afresh by the respondent - Assistant Commissioner, Davanagere Sub Division, Davanagere.

5. Accordingly, the W.P.No.55406/2017 is allowed and the impugned order (Annexure-P) dated 29.11.2017 in W.P.No.55406/2017 is hereby quashed. The matter is remitted to the Assistant Commissioner, Davanagere Sub Division, Davanagere, to reconsider the matter afresh, in accordance with law.

**SD/-
(E.S.INDIRESH)
JUDGE**

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