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WP-30163-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE PRANAY VERMA

ON THE 4th OF AUGUST, 2025

WRIT PETITION No. 30163 of 2025

SHAHEEN QURESHI

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Ms. Mehul Shukla - Advocate for the petitioner.

Dr. Amit Bhatia - Government Advocate for the respondent/State.
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ORDER

By this petition preferred under Article 226 of the Constitution of India, the petitioner has challenged the order dated 12.06.2025 [Annexure P/5] passed by the Additional Collector, District Indore whereby the order dated 12.03.2025 passed by the Sub Divisional Officer, Sub Division Juni, District Indore under the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 has been set aside.

2. The Additional Collector has held on the basis of the pleadings as made by the petitioner himself in his application that the dispute between the parties is in respect of tenancy over the disputed property hence the same is not covered under the provisions of the Act, 2007.

3. A perusal of a copy of the application preferred by the petitioner



before the Sub Divisional Officer unmistakably shows that his wife had let out the disputed property to respondent on monthly rent and allegation is that the respondent is not delivering possession of the same to him despite request and is instead attempting to obstruct him in usage of the property.

4. A perusal of the application categorically shows that the dispute raised therein is in respect of landlord and tenant based upon tenancy having been created between the parties. As per provisions of Section 12(1) of M.P. Accommodation Control Act, 1961, for obtaining possession of tenanted premises it is only proceedings under that Act which can be initiated. The said section has a non-obstante clause, meaning thereby that the same would prevail despite any other law in that regard.

5. Though the learned counsel for the petitioner has relied upon Section 23 of the Act, 2007 in support of her contention but the said provision deals with a case where the senior citizen transfers by way of gift or otherwise his property. Letting out of property on rent to a tenant is not a transfer of right, title and interest in the property as contemplated under Section 23 of the Act but is only a right to occupy but the same cannot in any manner be said to be a transfer of property. The said section is hence wholly inapplicable to the facts of the case where there is a relationship of landlord and tenant between a senior citizen and the tenant.



6. Thus, in view of the aforesaid, I do not find any illegality having been committed by the Additional Collector in passing the impugned order, which is accordingly affirmed as a result of which the petition is dismissed reserving liberty to the petitioner to resort to such legal remedy as may be available to him under the law.

(PRANAY VERMA)
JUDGE

jyoti