

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

WRIT PETITION NO: 20499 OF 2022

Between:

1. Mr. Mothi Sanotsh Kumar and another, S/o. Mothi Rajendar, aged about 45 years, Occ Private Employee, R/o. 8-4-369/346, Swaraj Nagar, Borabanda, Hyderabad, Ranga Reddy District.
2. Mrs. Rajeshwari, W/o. Mothi Sanotsh Kumar, aged about 40 years, Occ House Wife, R/ o. 8-4-369/346, Swaraj Nagar, Borabanda, Hyderabad, Ranga Reddy District.

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principal Secretary, Social Welfare Department Secretariat Buildings, Hyderabad.
2. The Telangana State Human Rights Commission, Ground Floor, Gruhakalpa, M.J. Road, Nampally, Hyderabad 500 001
3. Kosala Shobha Rani, Rep. On behalf of her Minor grandson Jashwanth Kumar (Minor) , S/o. Late Kailash Kumar, Occ Student, R/o. 1-238, Kistappuram, Kesamudram, Mahabubabad, Warangal District
4. The State of Telangana, Rep by its Principal Secretary Woman and Child Welfare Department .Secretariat, Bilding Hyderabad.
(Respondent No.4 is impleaded as per Court Order dated 29.08.2023 in WP No.20499 of 2022.)

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ order or direction more particularly one in the nature of Writ Of Mandamus questioning the action of the 2nd respondent order passed in HRC No. 787 of 2021 dated 08/10/2021 which was passed in favour of the 3rd respondent for paying a maintenance amount of Rs. 5000/- per month and school expenses to the 3rd respondent which is illegal , void and against the principles of national justice and also violative of Articles 14, 21 of Constitution of India and consequently direct the 2nd respondent to reconsider the entire issue on merits by

giving opportunity or fresh notice to the petitioner herein and not to interfere with the peaceful possession and enjoyment of the petitioner land in question.

IA NO: 1 OF 2022

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 operation of the order of the 2nd respondent order passed in HRC No. 787 of 2021 dated 08/10/2021 which was passed in favour of the 3rd respondent for paying a maintenance amount of Rs. 5000/- per month and school expenses to the 3rd respondent, pending disposal of the main writ petition.

Counsel for the Petitioners: M/s K.ARUNA

**Counsel for the Respondent Nos.1 & 2: SRI POTTIGARI SRIDHAR REDDY,
SPL. GP FOR ADVOCATE GENERAL**

Counsel for the Respondent Nos.3 & 4: --

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT PETITION No.20499 of 2022

ORDER: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Ms. K.Aruna, learned counsel for the petitioners.

Mr. Pottigari Sridhar Reddy, learned Special Government Pleader attached to the office of learned Advocate General for the State.

2. With the consent of the learned counsel for the parties, the matter is heard finally.

3. In this writ petition, the petitioners have assailed the validity of the order dated 08.10.2021 by which the Telangana State Human Rights Commission (hereinafter referred to as the, "Human Rights Commission") has directed to pay a sum of Rs.5,000/- as maintenance and school expenses to the grandson of the respondent No.3, namely Master Jashwanth Kumar.

4. Facts giving rise to filing of this writ petition briefly stated are that Master Jashwanth Kumar filed a petition before the Human Rights Commission seeking a direction to his paternal uncle and aunt, who are the petitioners herein, to pay a sum of Rs.5,000/- per month for his maintenance. The Human Rights Commission, by an order dated 08.10.2021, directed the petitioners herein to make the payment of a sum of Rs.5,000/- per month to Master Jashwanth Kumar. Hence, this writ petition.

5. Learned counsel for the parties jointly submit that Master Jashwanth Kumar, who is aged about 14 years, stays in a hostel and is studying 9th standard in Sri Saraswathi Sishu Mandir School in Karimnagar.

6. Learned Special Government Pleader fairly stated that right to education is a fundamental right and the State shall incur the educational expenses of Master Jashwanth Kumar till the age to which he is entitled to. It is further stated that on occasions of festivals the aforesaid Master Jashwanth Kumar visits his paternal uncle. It is also submitted by the learned Special Government Pleader that

a Non Governmental Organisation, namely Venkat Foundation, run by Mr. K.Rama Mohan Rao, is also taking care of Master Jashwanth Kumar.

7. The aforesaid submission is placed on record.

8. For the aforementioned reasons, the order dated 08.10.2021 passed by the Human Rights Commission is set aside and the writ petition is disposed of.

Miscellaneous applications pending, if any, shall stand closed. However, there shall be no order as to costs.

//TRUE COPY//

SD/- MOHD. ISMAIL
ASSISTANT REGISTRAR
Jha
SECTION OFFICER

To

1. The Principal Secretary, Social Welfare Department Secretariat Buildings, Hyderabad, State of Telangana.
2. The Telangana State Human Rights Commission, Ground Floor, Gruhakalpa, M.J. Road, Nampally, Hyderabad 500 001
3. The Principal Secretary Woman and Child Welfare Department .Secretariat, Bilding Hyderabad, State of Telangana.
4. One CC to M/s. K.ARUNA, Advocate [OPUC]
5. One CC to SRI POTTIGARI SRIDHAR REDDY, SPL. GP [OPUC]
6. Two CCs to THE ADVOCATE GENERAL, High Court for the State of Telangana, at Hyderabad. [OUT]
7. Two CD Copies

PSK.
LS

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HIGH COURT

DATED:30/09/2024

ORDER

WP.No.20499 of 2022



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.**

PA
25/10/24
10 Copies.