

Court No. - 40

Case :- WRIT - C No. - 38340 of 2023

Petitioner :- Smt. Meena Agrawal

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Sheikh Moazzam Inam, Jasvant Singh

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard learned counsel for the petitioner and Sri Ambrish Shukla, learned Additional Chief Standing Counsel for the State- respondent nos.1 to 3.

2. Present writ petition has been preferred for a direction to respondent nos.2 and 3 to ensure safety and security of the petitioner from her sons namely, Sanjay Agrawal and Anurag Agrawal (respondent nos.4 and 5).

3. Petitioner is complaining that there is serious life and property threat to her from her own sons (respondent nos.4 and 5). Learned counsel for the petitioner submitted petitioner's husband died on 13.12.2020 and after his death she is living with her sons in her own house. Respondent nos.4 and 5 want to grab the petitioner's property and they have started quarreling with her and also threatened her for dire consequences. Thereafter, on 1.10.2022, respondent nos.4, 6, 7, 8, 9 and 10 have assaulted the petitioner and her husband, for which a written complaint was given by the petitioner to the Station House Officer, P.S.Rasoolabad, District-Kanpur Dehat. Thereafter, the petitioner has moved an application before District Magistrate but till date no action was taken against private respondents. In this backdrop, precise case has been set up that her complaint is to be processed in view of provisions contained under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred as 'Act of 2007') within stipulated period.

4. Chapter V of the Act of 2007 deals with the protection of life and property of senior citizens, wherein Section 22 (1) of the Act of 2007 provides that the State Government may confer such powers and impose such duties on a District Magistrate as may be necessary to ensure that the provisions of the Act of 2007 are properly implemented. Even the concerned District Magistrate may specify the officer, subordinate to him, who shall exercise all or any of the powers, and perform all or any of the duties, so conferred or imposed and the local limits within which such powers or duties shall be carried out by the officer as may be prescribed. Section 22(2) of the Act of 2007 clearly provides that the State Government shall prescribe a comprehensive action plan for protection of life and property of senior citizens. Section 22 of the Act of 2007 reads as follows:

"22 (1) The State Government may, confer such powers and impose such duties on a District Magistrate as may be necessary to ensure that the provisions of the Act are properly carried out and the District Magistrate may specify the officer, subordinate to him who shall exercise all or any of the powers, and perform all or any of the duties, so conferred or imposed and the local limits within which such powers or duties shall be carried out by the officer as may be prescribed.

(2) The State Government shall prescribe a comprehensive action plan for providing of life and property of senior citizens."

5. While considering the present writ petition, it would also be worthwhile to notice that Chapter II of the Act of 2007 makes it obligatory for children to maintain their parents and senior citizens and in the event of failure to discharge the obligations as per Section 4 of the Act of 2007, a senior citizen including parents may submit an application for their maintenance and also to have a right for residence with other necessary amenities. Accordingly, the Rules known as the U.P. Maintenance and Welfare of Parents and Senior Citizens Rules, 2014 (in short "the Rules of 2014") were framed. Rules of 2014 prescribes complete procedure for adjudication of the application submitted by senior citizens and parents and also prescribes duties and powers of the District Magistrate. Rule 21 of the Rule of 2014 prescribes such duties and powers, whereas Chapter VI of the Rules of 2014 provides the senior citizens including parents to have protection of life and property and for that purpose a complete action plan is required to be made by the Officers referred in the aforesaid Rules.

6. The entire scheme of the Act of 2007 and Rules framed thereunder indicates that the intent of legislature is to safeguard and protect the interest of senior citizens and parents from the stress of public at large and also to have adequate protection from their own children. Such pious object is required to be ensured by the Officers responsible specially to protect the senior citizens under the Act of 2007.

7. We are of the considered opinion that the framers had formulated the Scheme with pious intent to nurture the family values and inculcate the habits in the children so that they may always be conscious to provide basic amenities and humanitarian touch, when their parents are in old age. We are pained to see that the youngsters for their small gains are not providing adequate emotional shelter to their parents.

8. In the present matter, considering the fact that the petitioner being a mother, who happens to be an old lady, with great pain and sorrow, has alleged atrocities against her own sons, we deem it appropriate that the grievance of the petitioner must be redressed by the District Magistrate, Pilibhit in view of the provisions contained in Act of 2007 and Rules of 2014. In case, the District Magistrate concerned deputed some other Officer, he shall proceed to dispose of the complaint/application of the petitioner strictly in accordance with law expeditiously, preferably within six weeks from the date of production of certified copy of this order, but certainly after giving opportunity of hearing to the persons i.e. respondent nos.4 and 5 against whom

complaint has been made.

9. With the aforesaid observations, the writ petition stands disposed of.

Order Date :- 7.11.2023

Manish Himwan