

Court No. - 6

Case :- WRIT - C No. - 41972 of 2023

Petitioner :- Smt. Sudesh

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

Counsel for Petitioner :- Damodar Singh, Devendra Vikram Singh

Counsel for Respondent :- C.S.C.

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard Mr. Damodar Singh, learned counsel for the petitioner and learned Standing Counsel for the State-respondents.

The writ petition has been filed by the petitioner with the prayer to quash the impugned order dated 30.10.2023 passed by the respondent no.2-District Magistrate, Rampur.

Learned counsel for the petitioner submits that the petitioner is mother of respondent no.4 and mother-in-law of respondent no.5 and respondent nos.4 and 5 are harassing her and not taking care of her, therefore, a case under U.P. Parents and Senior Citizen Maintenance and Welfare Rules, 2014 was filed, in which by order dated 14.06.2023, the application of the petitioner was allowed and respondent nos.4 and 5 were directed to evict the house of the petitioner against which an appeal was filed by the respondent nos.4 and 5 which has been allowed by respondent no.2-District Magistrate, Rampur vide order dated 30.10.2023. He further submits that without realizing the fact that in the order dated 14.06.2023 as passed by respondent no.3-Upziladhikari/Maintenance Tribunal, Tehsil Tanda, District-Rampur there was a finding regarding harassment of the petitioner by the private respondents, therefore, the order directing the private respondents to evict the house of the petitioner was passed after hearing all the parties,

however, on a case as made by respondent no.5/daughter-in-law of the petitioner, the petitioner is hand in glove with her son in order to oust her from the house in question as daughter-in-law is being harassed by the petitioner without there being any evidence in this regard.

Learned Standing Counsel on the other hand submits that the order impugned is only a remand order, wherein the respondent no.2-District Magistrate, Rampur has directed respondent no.3-Upziladhikari/Maintenance Tribunal, Tehsil Tanda, District-Rampur to decide the matter afresh, after hearing all the parties on merits.

Learned counsel for the petitioner further submits that pursuant to the order dated 14.06.2023, respondent nos.4 and 5 have already been evicted from the house in question.

No useful purpose would be served by keeping this petition pending in view of the order, which the Court proposes to pass hereunder.

Considering the facts and circumstance of the case and without expressing any opinion on the merits of the case, this writ petition is finally **disposed off** with a direction to the respondent no.3-Upziladhikari/Maintenance Tribunal, Tehsil Tanda, District-Rampur to decide the matter, and pass appropriate order, in accordance with law, by means of a reasoned and speaking order, after giving opportunities of hearing to respondent no.4-Pradeep Kumar and respondent no.5-Smt. Anushka and all the other parties concerned, as expeditiously as possible, preferably within a period of **two months**, from the date of production of certified copy of this order, if there is no legal impediment.

As respondent nos.4 and 5 have already been evicted as is evident from the document placed on page no.28 to the writ petition, therefore the parties are directed to maintain status-quo as on date, till final order is passed by respondent no.3.

Order Date :- 6.12.2023

Kalp Nath Singh