

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. _____ OF 2026
(@ SLP(C) No. _____ OF 2026)
(@Diary No. 22768 OF 2024)

RAVI KANT GUPTA

... APPELLANT

VERSUS

STATE OF UTTAR PRADESH & ORS.

... RESPONDENTS

ORDER

1. Delay condoned.
2. Leave granted.
3. These appeals arise from the judgment and order dated 06.10.2023 in Writ-C No. 8139 of 2023 and the order dated 29.01.2024 in Civil Misc. Review Application No. 128 of 2023, passed by the High Court¹. In order to appreciate the grievance of the appellant relevant facts need mention which are stated *infra*.
4. The appellant is the owner of residential house bearing No. 8/331, Vikas Nagar, Lucknow, Uttar Pradesh (premises). The respondent no. 4 is the son of the appellant whereas respondent no. 5 is the wife of the appellant. The mother of the appellant is aged about 81 years. She was forced to leave the premises and was forced to reside

¹ High Court of Judicature at Allahabad at Lucknow Bench

at an old age facility. On 05.06.2022, the appellant preferred an application before the District Magistrate under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (the Act) seeking eviction of respondent no. 4 (son).

5. The Sub-Divisional Magistrate (SDM) by an order dated 15.11.2022 *inter alia* held that the premises is the self-acquired property of the appellant and the son did not permit the mother of the appellant, namely, his grandmother to stay in the premises and created nuisance. The SDM directed eviction of the son from the premises.
6. The son and the wife preferred an appeal under Section 16 of the Act before the District Magistrate. The District Magistrate by an order dated 09.08.2023, affirmed the order passed by the SDM and ordered the son and the wife to handover the possession of the premises to the appellant. The son and the wife, thereafter, approached the High Court by way of filing a writ petition namely, Writ-C No. 8139 of 2023. The High Court on 06.10.2023 noted that learned Single Judge² has held that the Act did not empower the authorities to pass an order of eviction. Accordingly, the High Court quashed the orders dated 15.11.2022 and 09.08.2023 and allowed the writ petition.
7. Being aggrieved, the appellant filed a review application which was

2 **Abhishek Tiwari and Another v. State of U.P., 2022 SCC OnLine All 367**

dismissed on 29.01.2024 by the High Court reiterating the lack of power in authorities of ordering eviction under the Act. In the aforesaid factual background this appeal has been filed.

8. We have heard the learned counsel for the appellant and the respondent nos. 1 to 3 as well as the respondent no. 4 and have perused the records.
9. The measure of a civilized society is often reflected in the dignity, respect and security it affords to its elderly. Across cultures, religions, and civilizations, senior citizens have been regarded not merely as dependents requiring care, but as repositories of wisdom, experience, and collective memory whose guidance enriches families and society alike. Article 21 of the Constitution as interpreted by this Court and Article 41 of the Constitution envisage a social order that protects the vulnerable and enables every individual to live with dignity throughout the course of life. This commitment finds statutory expression in the Act, enacted to ensure that advancing age does not become synonymous with neglect, insecurity, or indignity. In light of the aforesaid constitutional mandate, the Parliament has enacted the Act. The provisions of the Act incorporate the values deeply rooted in our country's civilizational ethos which revere the mother and the father as divine. The Act is

intended to provide a speedy remedy for the senior citizen.

10. Under Section 7 of the Act, the tribunals have been constituted which have power under Section 8 of the Act to conduct an inquiry following a summary procedure with powers of a Civil Court. Section 27 of the Act explicitly bars the jurisdiction of the Civil Courts. It is a well-settled legal proposition that where an Act confers a jurisdiction, it impliedly also grants the power of doing all such acts, or employing such means, as are essentially necessary to its execution³. On this analogy, we have no hesitation in holding that the tribunal under the Act has power to order eviction in order to ensure the maintenance or protection of a senior citizen.
11. It is noteworthy that a three-Judge Bench of this Court⁴, while dealing with claims arising out of the provisions of the Act and the Protection of Women from Domestic Violence Act, 2005 held that the tribunal under the Act may have the authority to order an eviction if it is necessary and expedient to ensure the maintenance and protection of a senior citizen or a parent. It was further held that eviction would be an incident of enforcement of right to maintenance and protection. Taking into account the aforesaid observations, a two-Judge Bench of this Court⁵, held that tribunal

³ **Income Tax Officer Cannanore v. M.K. Mohammed Kunhi**, 1968 SCC OnLine SC 71

⁴ **S. Vanitha v. Deputy Commissioner, Bengaluru Urban District & Ors.**, (2021) 15 SCC 730

⁵ **Samtola Devi v. State of U.P. & Ors.**, 2025 SCC OnLine SC 669

under the Act may order eviction if it is necessary and expedient to ensure the protection of senior citizens. Another two-Judge Bench of this Court⁶ reiterated the same view.

12. We are in respectful agreement with the view taken by this Court on multiple occasions. The reliance placed by the High Court on its decision⁷ is misconceived.
13. For the foregoing reasons, the impugned judgment dated 06.10.2023 passed in Writ-C No. 8139 of 2023 and the order dated 29.01.2024 passed in Civil Misc. Review Application No. 128 of 2023 are set aside and the orders passed by the authorities under the Act ordering eviction are restored.
14. In the result, the appeals are allowed. There shall be no order as to costs.

.....**J.**
[PAMIDIGHANTAM SRI NARASIMHA]

.....**J.**
[ALOK ARADHE]

NEW DELHI;
August 04, 2026

⁶ Kamalakant Mishra v. Additional Collector & Ors., 2025 SCC OnLine 2077

⁷ Abhishek Tiwari (supra)

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 22768/2024

[Arising out of impugned final judgment and order dated 06-10-2023 in WRITC No. 8139/2023 29-01-2024 in CMRA No. 128/2023 passed by the High Court of Judicature at Allahabad, Lucknow Bench]

RAVI KANT GUPTA

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

IA No. 84275/2025 - CONDONATION OF DELAY IN FILING

IA No. 84277/2025 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS, IA No. 84274/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 84278/2025 - EXEMPTION FROM FILING O.T.

Date : 04-08-2026 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE ALOK ARADHEFor Petitioner(s) : Mr. R. Anand Padmanabhan, Sr. Adv.
Mr. Romil Pathak, Adv.
Mr. Aravind C., Adv.
Mrs. Neha Pathak, Adv.
Mr. Aryan Pathak, Adv.
Mrs. Rashmi Singh, Adv.
Mr. Prashant Chaturvedi, Adv.
Ms. Jagrati Singh, AORFor Respondent(s) : Mr. Tanmaya Agarwal, AOR
Mrs. Aditi Agarwal, Adv.
Mr. Udit Bhardwaj, Adv.Mr. Suryodaya Prakash Tiwari, Adv.
Mr. Devendra Kumar Shukla, AOR
Ms. Shachi Pandey, Adv.
Mr. Rakesh Kumar Tewari, Adv.
Mr. Rahul Kumar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The civil appeals are allowed in terms of the signed order.

3. Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)
ASTT. REGISTRAR-cum-PS

(NIDHI WASON)
ASSISTANT REGISTRAR

(Signed order is placed on the file)