



## **HIGH COURT OF JUDICATURE AT ALLAHABAD**

**WRIT - C No. - 1371 of 2026**

Gulab Kali

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

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Counsel for Petitioner(s) : Durvesh Kumar  
Counsel for Respondent(s) : C.S.C.

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### **Court No. - 2**

**HON'BLE ATUL SREEDHARAN, J.  
HON'BLE SIDDHARTH NANDAN, J.**

1. In the present petition, the petitioner is stated to be a senior citizen of 80 years, of ill health and living alone with her two granddaughters, one of whom is physically disabled. There are no other male members in the house to support, protect or assist the petitioner. The petitioner is presently living at the address given in the cause title. However, she apprehends that there could be coercive action by certain persons who are mentioned in the petition to dispossess her illegally and take over her ancestral *abadi* land.

2. This petition has primarily been filed for protection from the action of private individual. Normally this Court would not interfere in such a matter where there is a civil dispute between two private parties. However, in view of the facts mentioned hereinabove and the existence of special statute (The Maintenance and Welfare of Parents and Senior Citizens Act, 2007), this Court deems it essential to delve further into this case in order to ascertain whether certain guidelines can be laid down permanently in order to give effect to the special statute, as several such cases are coming up before this Court filed by senior citizens whose properties are under threat of encroachment or complete take over by private parties.

3. This Court has gone through the definition clause of the special act and found that maintenance also includes providing for food, clothing, residents and medical attendance/treatment to the senior citizens. There is a tribunal that is vested with authority to consider the grievances of senior citizen under this Act. However, this Court has been informed by the parties that such a tribunal has not been set up till date in the State of U.P.

4. Learned counsel for the State has drawn the attention of this Court to Section 22 of the Special Act wherein the authorities of the State who have been empowered to enforce the provisions of the Act are mentioned. Under Section 22 (1), the District Magistrate would be vested with the authority to enforce the provisions of this Act subject to the conferment of such powers by the State. Under Section 22(2) of the Act, there is a duty that is imposed on the State to prescribe a comprehensive action plan for providing protection of life and property of senior citizens. Section 32 of the Act empowers the State Government to make rules. It appears that rules have been made by exercising the authority under Section 32 of the Act and there is the U.P. Maintenance and Welfare of Parents and Senior Citizens Rules, 2014, and Rule 21 of the said Rules apparently mandates that the District Magistrate shall act in a manner to ensure the protection of the life and property of the senior citizens so that they can live with security and dignity.

5. This Court poses a question to Sri Manoj Kumar Singh, learned Chief Standing Counsel whether the State Government has prepared a comprehensive action plan as required of them under Section 22 (2) of the Act. In order to clarify this aspect, the Principal Secretary (Home), U.P. is requested to file an affidavit in the light of queries posed hereinabove with regard to the actions which the District Magistrate can take for the protection of life and property of senior citizens specially those who are in a vulnerable state.

6. List this case along with the affidavit of Principal Secretary (Home), U.P. for further hearing on **12.02.2026 at 2:00 p.m.**

**January 28, 2026**

R.S. Tiwari

**(Siddharth Nandan,J.) (Atul Sreedharan,J.)**