



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)

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

Court No. - 2

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

1. Vide order dated 28.01.2026, which was made available to the A.G. Office on 02.02.2026 by uploading of the same on the website of the court, the A.G. office has acted most promptly by addressing a communication to the office of the Principal Secretary (Home), State of U.P. on 02.02.2026 itself. The query that was posed by this court in paragraph no.5 of the aforementioned order where the Principal Secretary (Home) was requested to file an affidavit in the light of the query posed in the said order with regard to the actions which the District Magistrate can take for the protection of life and property of senior citizens especially those who are in a vulnerable state. The said order was passed in a case where the petitioner who is a senior citizen of 80 years suffering from ill health was living alone with her two grand daughters, one of whom was physically disabled. There is no male member in the house and the petitioner was apprehending cause of action by certain persons who are mentioned in the petition to dispossess her illegally and take over her ancestral abadi land.

2. This court, in view of special statute being the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 deemed it essential to delve deeper into the case and ascertain whether guidelines can be laid down permanently in order to give effect to the special statute, as several such cases are coming up before the court filed by senior citizens. It was in that background that the court had requested the Principal Secretary (Home) to file an affidavit as already mentioned hereinabove.

3. It has also come to our notice that Secretary of the Department of Social Justice and Empowerment, Government of India is a party who would have a definitive role in assisting this court. They shall also be impleaded in this case along with the Principal Secretary of the Social Welfare Department of the State of U.P. as respondents no. 5 and 6.

4. That having been said, this court takes serious note of the non-compliance of the paragraph no.5 of the order dated 28.01.2026 to the intimation given by the A.G. office on 02.02.2026, instructions come on 12.02.2026 from the office of the Principal Secretary (Home) having nothing to offer by way of instructions but asking the counsel to seek additional time. The instructions are completely bereft of any specific reasons as to why extension of time should be granted. It also does not disclose the steps taken till date by the Principal Secretary (Home) in order to fulfill the aforementioned order.

5. An affidavit that was required to be filed by the Principal Secretary (Home) has thus not been filed. The conduct of the Principal Secretary (Home) reflects an absolute disdain of the order passed by this court which it deprecates in the strongest possible terms. If he indeed was in shortage of time, it could have filed an application seeking additional time supported by an affidavit which could have been a one page application. However, he was expected of the Principal Secretary (Home) to intimate this court with regard to the steps that have been taken till date which has already been stated hereinabove, are not forthcoming.

6. The learned counsel for the State submitted that the process is on. This court wants to make it clear, not just to the Principal Secretary (Home) in this particular case, but to the bureaucracy across the State that where orders or directions are passed by the court which requires compliance, they have the option of firstly, complying with the said direction to the tee, and if that is not possible then a one page application supported by an affidavit stating the reasons why it cannot be complied with, may be on account of the paucity of time or may be the authority is not competent to comply with the said order or for any other reasons which the court ought to know. Lastly, if the authority does nothing, the authority must be ready to face all consequences including coercive proceedings which may be initiated at the instance of the court. This, of course is a discretion of the

court depending upon the severity of the disobedience. The court is cognizant of the inconvenience caused to the officials when they are asked to appear before this court in person, but such a direction is given more out of helplessness and on account of the bureaucracy not taking the court seriously when such directions are passed and there is non-compliance. It is only on such occasions that the personal attendance of the officer is called for by the court to explain his conduct and the disobedience of the court's order which this court considers is less embarrassing to the officer than face a proceeding for contempt for non-compliance of the order. Every direction passed by the court has to be complied with unless it is impossible or it has been stayed by a superior court. However, the court expresses its angst in a manner in which additional time has sought without giving any reasons as to why additional time should be granted and what has been done till date and what are the difficulties coming in the way of complying with the order dated 28.01.2026. Whether this order has to be circulated amongst the various officers of the State is left to the discretion of the A.G. Office.

7. However, seven days' time as prayed for is granted.

8. This court also partially amends the previous order and directs the Principal Secretary of the Social Welfare Department to file its affidavit stating very clearly the steps that may be taken in compliance of Section 22 (2) of the Special Act, if not so already taken, and if steps have already been taken, the SoP regarding the same be placed before this court as an annexure to the affidavit.

9. List this case on for further hearing 10.03.2026.

10. Let necessary impleadment, as mentioned above, be made in array of parties, within two days.

11. As an interim measure, till the next date of listing, we direct the respondent no.2 – District Magistrate, Prayagraj to call for a report in this case from respondent no.4- SHO, Police Station- Utraon, Tehsil Handia, District- Prayagraj, with regard to the situation of the petitioner.

12. The respondent no.4 is also directed to interact with the petitioner and then decide whether there is any need to place armed police men for her

protection. This of course would be according to discretion of respondent no.4. The S.H.O. is also requested to keep a lady official along with him when he interacts with the petitioner. The District Magistrate is also requested to file a personal affidavit, and not one of his subordinates, stating the steps taken to ensure the protection for the petitioner herein.

13. This order has been passed in the presence of Mr. S.P. Singh, learned Additional Solicitor General of India.

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

February 17, 2026

Sumit K.