

**Court No. - 40**

**Case :-** WRIT - C No. - 29678 of 2023

**Petitioner :-** Chhavinath

**Respondent :-** State Of U.P. And 7 Others

**Counsel for Petitioner :-** Raj Nath Bhakta

**Counsel for Respondent :-** CSC

**Hon'ble Mahesh Chandra Tripathi,J.**

**Hon'ble Prashant Kumar,J.**

1. Advocates are abstaining from judicial work.

2. By means of present writ petition, the petitioner has sought following reliefs:-

*"(i) Issue a writ order or direction in the nature of mandamus directing the respondent concern to pass order on the representation dated 6.10.2022 and 10.10.2022 whereby restrained to the private respondent not to interfere in the peaceful possession of the land in question of petitioner.*

*(ii) Issue a writ order or direction in the nature of mandamus directing the respondents to provide basic requirement for human survival to the petitioner.*

*(iii) Issue any other writ order or direction in the nature of mandamus which this Hon'ble court may fit and proper in facts and circumstances of the case.*

*(iv) Award costs of the petition to the petitioner."*

3. From the perusal of the record, it transpires that petitioner is aged about 85 years old and is unable to maintain himself. It is claimed that petitioner is owner of arazi No.62, 7Aa, 71Ba, 31, 17, 18, 48, 47. It is claimed that instead of taking care and giving emotional shelter at the old age, sons of the petitioner (private respondents herein) harassing him and dispossessed the petitioner to his holdings. So far as the grievance of the petitioner is concerned, this Court finds that the petitioner has already filed representation dated 6.10.2022, before the Sub- Divisional Magistrate, Handia, District- Prayagraj for redressal of his grievance, which is still pending consideration.

4. No useful purpose would be served in keeping the writ petition pending.

5. Before passing any order this Court deems it fit to observe that the children are expected to look after their elderly parents properly which is not only a value-based principal but a bounden duty as mandated by law. For this purpose, the Parliament was pleased to enact the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 to uphold the dignity and respect of a senior citizen in old age. Apart from physical vulnerabilities, they face emotional and psychological challenge. On account of these

frailties, they are totally dependent on their children. It is often seen that after receiving the property from their parents, the children abandon their old aged parent. When an old parent gifts his hard earned property, at the time when he is old, weak, ill, almost not earning, dependent & weary, it is not only expected but the donee children are both under moral and legal obligation and bounden duty to take care of their donor parent. Our nation has been a land of culture, value & ethics. It is a land of legendary "Shravan Kumar" who scarified his life aged blind parents. The traditional norms and values of the India society emphasize on the duty of taking care of elders. In out traditional society, duties of children towards one's parent were considered as a debt owed to them.

6. In view of above, without expressing any opinion on the merits of the issue and considering the facts and circumstances of the case, this writ petition is **disposed of** finally with a direction to the Sub-Divisional Magistrate, Handia, District-Prayagraj(respondent No.2) to decide the petitioner's representation strictly in accordance with law after hearing all the stakeholders in the matter within a period of **six weeks** from the date of production of a certified copy of this order before him.

**Order Date :- 12.9.2023**

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