



2026:AHC-LKO:17019

A.F.R.

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 1779 of 2026

Magghu Ram

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. (Revenue Deptt.)
Lko. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Gauri Shankar Maurya
Counsel for Respondent(s)	:	C.S.C., Shobh Nath Pandey

Court No. - 17

HON'BLE SUBHASH VIDYARTHI, J.

1. Heard Shri Gauri Shankar Maurya, the learned counsel for the petitioner, Shri Ashutosh Srivastava, the learned Standing Counsel for the State and Shri Shobh Nath Pandey, Advocate who has filed vakalatnama on behalf of the respondent No.5, which is taken on record.

2. By means of the instant petition filed under Article 227 of the Constitution of India, the petitioner has sought issuance of a direction to the opposite party No.2-Collector/ District Magistrate, Ayodhya to protect the life and property of the petitioner bearing Plot No.102 Ka measuring 0.0740 hectare situated in Village and Post- Netwari Chaturpur, Pargana- Paschim Rath, Tehsil- Bikapur, Ayodhya under Section 22 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as Maintenance Act 2007) and Rule 21 of U.P. Maintenance and Welfare of Parents and Senior Citizens Rules 2014 (hereinafter referred to as the Maintenance Rules). The petitioner has also sought a writ of mandamus commanding the authorities to provide necessary police protection to the petitioner for maintaining law and order on the spot.

3. It has *inter alia* been pleaded in the writ petition that Plot No.102 Ka measuring 0.0740 hectare situated in Village and Post- Netwari Chaturpur, Pargana- Paschim Rath, Tehsil- Bikapur, Ayodhya was recorded in the revenue records in the name of Radhey Shyam, Rajaram, Sitaram etc. as co-sharers and Bhoomidhars with transferable rights. The petitioner - Magghu Ram and his wife Smt. Jaikala Devi had purchased a plot of land measuring 40 ft. X 40 ft. from the aforesaid Plot No.102 Ka through a registered sale

deed dated 04.07.2005 executed by Sitaram and Rajaram, sons of Late Shankar. It is important to note that the petitioner himself has pleaded that Plot No.102 Ka was recorded in the names of "Radhey Shayam, Rajaram, Sitaram etc." and except Rajaram and Sitaram, the other co-tenure holders and co-sharers had not executed the sale deed in favour of the petitioner and his wife.

4. It is stated that the petitioner and his wife executed a sale deed dated 04.03.2013 in favour of Phoolkala, wife of Ram Surat, in respect of a portion of their plot measuring 27 ft. X 40 ft. and the remaining area measuring 13 ft. X 40 ft. remained in possession of the petitioner. The opposite party No.6 Shri Chandrabhan Mishra has also purchased some portion of Plot No.102 Ka but the petitioner claims that the portion purchased by the opposite party No.6 is not adjacent to the property of the petitioner. As per the petitioner, the opposite party No.6 is trying to grab the area measuring 13 ft. X 40 ft. which forms a part of Plot No.102 Ka and which is in possession of the petitioner.

5. The petitioner filed an application dated 28.01.2026 before the Sub-Divisional Officer, Bikapur, Ayodhya requesting him to take action against the opposite party No.5 and 6 under Section 164 and 165 BNSS.

6. The petitioner has pleaded that the District Magistrate owes a duty to protect the property of the petitioner under Section 22 of the U.P. Maintenance Act, 2007 and Rule 21 of the Maintenance Rules. He has sought issuance of a direction to the Collector/District Magistrate, Ayodhya to protect the life and property of the petitioner under Section 22 of Maintenance Act.

7. On the basis of written instructions provided by SDM, Bikapur, Ayodhya, the learned Standing Counsel has submitted that the land bearing Gata No.102 Ka is a combined number and the names of the petitioner and the opposite party Nos.5 and 6 are recorded on different parts of the same Gata number. An order under Section 30 (2) of the U.P. Revenue Code has been passed for partition of the land. In this regard, a revision under Section 210 of U.P. Revenue Code, 2006 bearing computerized No.C202504000000332 is pending before the Additional Commissioner (Administration), Ayodhya Division, Ayodhya and the next date fixed in revision is 10.04.2026.

8. Learned counsel for the petitioner has placed reliance on an order dated

28.01.2026 passed by a Division Bench of this Court sitting at Allahabad in Writ C No.1371 of 2026 titled **Gulab Kali v. State of U.P. and 3 Ors.**

9. In the aforesaid order dated 28.01.2026, the Court has merely recorded the submissions advanced by the learned counsel and thereafter has directed the State to file an affidavit and the matter was fixed for 12.02.2026. Proceedings held on 12.02.2026 or thereafter have not been placed before this Court and the learned counsel for the petitioner shows ignorance about the order passed on 12.02.2026 or thereafter.

10. The statement of objects and reasons of the Maintenance Act reads as follows: -

*"Traditional norms and values of the Indian society laid stress on providing care for the elderly. However due to withering of the joint family system, a large number of elderly are not being looked after by their family. Consequently, many older persons, particularly widowed women are now forced to spend their twilight years all alone and are exposed to emotional neglect and to lack of physical and financial support. This clearly reveals that ageing has become a major social challenge and there is a need to give more attention to the care and protection for the older persons. Though the parents can claim maintenance under the Code of Criminal Procedure, 1973, the procedure is both time-consuming as well as expensive. Hence, **there is need to have simple, inexpensive and speedy provisions to claim maintenance for parents.***

2. The Bill proposes to cast an obligation on the persons who inherit the property of their aged relatives to maintain such aged relatives and also proposes to make provisions for setting up old age homes for providing maintenance to the indigent older persons.

The Bill further proposes to provide better medical facilities to the senior citizens and provisions for protection of their life and property.

3. The Bill, therefore, proposes to provide for:

(a) appropriate mechanism to be set up to provide need-based maintenance to the parents and senior citizens;

(b) providing better medical facilities to senior citizens;

(c) for institutionalization of a suitable mechanism for protection of life and property of older persons; and

(d) setting up of old age homes in every district.

4. The Bill seeks to achieve the above objectives."

11. A bare perusal of the statement of objects and reasons indicates that it casts an obligation on the children and other relatives who would inherit property of their aged relatives, to maintain such aged relatives. There is no relation between the petitioner and the opposite party Nos.5 and 6 and the only relation between them is that both of them claim to have purchased separate portions of Plot No.102 Ka which has given rise to a property dispute between them.

12. Regarding the protection of property, the object of the Act is to provide for appropriate mechanism to be set-up for institutionalization of a suitable mechanism for protection of life and property of older persons. Filing of an application under the aforesaid Act by an individual aggrieved person is only contemplated by Sections 4 and 5 of the Maintenance Act, which provides for an application for claiming maintenance from the children or relatives, which is not the case here.

13. Section 8 of the Maintenance Act provides that the Maintenance Tribunal shall follow summary procedure. It means that the Tribunal will not adopt a detailed procedure of filing of pleadings, framing issues, adducing evidence, cross-examining witnesses and thereafter hearing submissions and delivering a detailed judgment deciding all the issues between the parties. Rival claims to ownership and possession of immovable properties cannot be decided in a summary manner and the same can only be decided by filing of pleadings, framing issues, adducing evidence, cross-examining witnesses and thereafter hearing submissions and delivering a detailed judgment deciding all the issue between the parties. Therefore, the authorities under the Maintenance Act are not meant to decide the rival claims regarding ownership and possession of immovable properties.

14. Section 22 of the Maintenance Act relied upon by the learned counsel for the petitioner falls in Chapter V of the Maintenance Act which contains provision for "Protection of Life and Property of Senior Citizens". Section 21 falling in Chapter V of the Act mentions certain measures for publicity, awareness etc for welfare of senior citizens.

15. Section 22 of the Maintenance Act provides as follows: -

"22. Authorities who may be specified for implementing the provisions of this Act -

1. The State Government may, confer such powers and impose such duties on a District Magistrate as may be necessary, to ensure that the provisions of this Act are properly carried out and the District Magistrate may specify the officer, subordinate to him, who shall exercise all or any of the powers, and perform all or any of the duties, so conferred or imposed and the local limits within which such powers or duties shall be carried out by the officer as may be prescribed.

2. The State Government shall prescribe a comprehensive action plan for providing protection of life and property of senior citizens."

16. What Section 22 of the Maintenance Act provides is that the State Government may confer certain powers/duties on the District Magistrate, but the scope of the powers to be conferred upon the District Magistrate does not include conferment of powers to adjudicate the disputes relating to the title and possession of immovable properties.

17. The protection of property of senior citizens would not extend to deciding rival claims regarding title of immovable property, which can only be done by a Competent Civil/Revenue Court in a regular suit where the parties are given opportunity to lead evidence in support of their respective claims which opportunity is not available before the authorities performing duties under the Maintenance Act.

18. It is also to be noted that Section 27 of the Maintenance Act provides that: *"No Civil Court shall have jurisdiction in respect of any matter to which any provision of this Act applies and no injunction shall be granted by any Civil Court in respect of anything which is done or intended to be done by or under this Act".*

The aforesaid bar is only regarding the matter to which the provisions of the Maintenance Act apply. The object of the Maintenance Act was not to authorize the authorities under the Act to adjudicate upon the disputes relating to title and possession of immovable properties, more particularly,

when the parties are not even related to each other, and such disputes can only be decided by the competent Civil Courts in regular suits. Therefore, Section 27 of the Maintenance Act would not bar the jurisdiction of the Civil or revenue Courts to decide the disputes relating to rival claims of possession and title of immovable properties.

19. When a property dispute between the parties is already engaging attention of the revisional Court, it would not be proper for the Maintenance Tribunal to intervene in such a situation. There is no good ground to issue any direction to the Collector to proceed under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

20. In view of the foregoing discussion, I am of the considered view that the petition lacks merits and the same is **dismissed**. The Revision No.C202504000000332 which is said to be pending in the Court of the Additional Commissioner (Administration), Ayodhya, shall be decided on its merits in accordance with the law, without being influenced by dismissal of this petition.

March 9, 2026
-Amit K-

(Subhash Vidyarthi,J.)