



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 19930/2026

CNR: RJHC020923622026 | URN: CW / 41614U / 2026

1. Govind S/o Girraj, Aged About 51 Years, R/o Charighat Road, Baran District Baran Raj.
2. Sheela W/o Shri Govind, Aged About 50 Years, R/o Charighat Road, Baran District Baran Raj.
3. Pawan Sen S/o Govind, Aged About 24 Years, R/o Charighat Road, Baran District Baran Raj.

----Non-Applicants/Petitioners

Versus

1. Nirmalabai W/o Girraj, aged 72 years, R/o Charighat Road, Baran, At Present R/o Nakoda Colony, Baran.
2. Mukesh Mathuria S/o Girraj, R/o Charighat Road, Baran, At Present R/o Nakoda Colony, Baran.

---Applicant/Respondent

----Non-Applicant/Respondent

For Petitioner(s) : Mr. Sudarshan Kumar Laddha
For Respondent(s) : Mr. Abhishek B. Sharma with
Mr. Siddhant Bhanawat

HON'BLE MR. JUSTICE SAMEER JAIN

Order

13/10/2026

1. The present petition has been filed under Article 227 of the Constitution of India, assailing the order dated 12.08.2026 passed by the Collector and District Magistrate, Baran in Senior Citizen Appeal No. 08/2026, whereby appeal against the order dated 02.06.2026 passed by Sub Divisional Officer, Baran District, Baran has been dismissed.

2. In view of the solemnity of the matter, particularly as the respondents involved are senior citizens and the dispute concerns



issues between the parents and their children/grand child, this Court had directed the parties to appear in person to ascertain relevant facts and explore the possibility of an amicable resolution through mediation.

3. At the outset, learned counsel appearing on behalf of the petitioners has submitted that respondent No.1 is mother of petitioner No.1 and she initiated proceedings under Section 4 and 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as "the Act of 2007"), alleging that the petitioners harass her. In the said proceedings it was additionally pleaded that the house situated at Charighat Road, Baran be vacated from the possession of the petitioners. It is further contended that the present matter has a chequered and protracted history of litigation.

4. It is further submitted that the petitioners are ready and willing to maintain the respondent No.1 and provide her suitable residence. It is submitted that the petitioner No.1 herein and the respondent No.2 have a dispute inter-se them, in pursuance of which an FIR bearing No.0124/2025 came to be registered at Police Station Kotwali Baran. It is assured that despite all the disputes, and the fact that the petitioner couple herein are also in their early 50s, they are willing to reside with respondent No.1. In such circumstances, it is contended that any dispossession of the petitioners from the property in question would entail grave and adverse consequences upon their livelihood and personal life. In support of the submissions made, learned counsel has relied upon



ration encapsulated in **Vinod Sharma v. Smt. Shanti Devi and Ors.: 2022 (3) WLC 299 (Raj.)**.

5. *Per contra*, learned counsel appearing on behalf of the respondents, in unison with respondent No. 1 (present in person) vehemently submitted that there have been several instances wherein the petitioners have subjected the respondents to abusive conduct, engaged in frequent altercations, extended threats, and otherwise disturbed the peaceful living of the respondents. It is contended that such acts on the part of the petitioners have created an atmosphere of fear, hostility, and insecurity within the household. It is submitted that taking into consideration the continuous mental and emotional distress caused to the respondents, coupled with the persistent tension prevailing between the parties, the respondent No. 1 is living under a constant sense of threat owing to the conduct of the petitioners. Learned counsel emphasized that the cumulative effect of such conduct has severely impaired the respondents' right to live with dignity and peace, particularly at an advanced stage of life.

6. In support of the contentions made insofar, learned counsel appearing on behalf of the respondents had placed reliance upon the ratio encapsulated in **Rakesh Leeladhar Soni and Another v. Smt. Premlata Leeladhar Soni and Ors.: AIR 2020 Raj. 27, Smt. Rshmi Saxena V. Suresh Prakash Saxena: 2017 (3) WLC Raj. 312**, and **Dattatrey Shivaji Mane V. Leela Bai Mane and ors.: AIR 2018 Bom. 229**. Therefore, in view of the aforesaid circumstances, it is vehemently urged that the present petition deserves to be dismissed. It is further prayed that



appropriate directions be issued restraining the petitioners from causing any interference or disturbance in the peaceful living of the respondents, especially considering that respondent No. 1 is in the twilight years of her life and is entitled to a life of tranquility and security.

7. In the backdrop of the aforesaid facts and submissions made by learned counsel, the parties present in Court, and upon an assiduous consideration of the material available on record, this Court is not inclined to exercise its supervisory jurisdiction under Article 227 of the Constitution of India. It is well settled that the jurisdiction under Article 227 is supervisory in nature and is to be exercised sparingly, only to keep the subordinate courts and tribunals within the bounds of their authority and not to re-appreciate evidence or act as a court of appeal. In this regard, the Hon'ble Supreme Court in **Rajani Manohar Kuntha & Anr. v. Parshuram Chunilal Kanojiya & Ors.: Arising out of SLP (C) No. 30407 of 2024** has categorically held that the High Court, while exercising jurisdiction under Article 227, cannot undertake a re-appreciation of evidence or interfere merely because another view is possible, and that such power is confined to cases of patent perversity or jurisdictional error.

8. Insofar as the rights of senior citizens are concerned, the Hon'ble Supreme Court in **S. Vanitha v. Deputy Commissioner, Bengaluru Urban District & Ors.: (2021) 15 SCC 730** has recognized that the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is a beneficial legislation enacted to ensure the protection, dignity, and peaceful living of senior



citizens, and that appropriate orders, including eviction, may be passed to safeguard such rights. Moreover, this Court is of a stern view that where there is breach of obligation to maintain and protect senior citizens, the competent authorities are well within their jurisdiction to direct eviction of erring children or relatives, so as to secure the senior citizen's right to live with dignity and peace.

9. In the present case, the impugned order dated 12.08.2026 passed by the Collector and District Magistrate, Baran does not suffer from any jurisdictional error, illegality, or perversity. Rather, the same reflects due consideration of the facts and circumstances of the case, particularly the strained relationship between the parties and the necessity to ensure a peaceful and dignified life for the respondent No.1, who is a senior citizen. The relevant extract from the order dated 12.08.2026 is reproduced hereinbelow:

"दौराने बहस अभिभाषक रैस्पोंडेंट क्रम 1 ने कथन किया कि अप्रार्थीया 71 वर्षीय वृद्ध एवं विधवा महिला है तथा वरिष्ठ नागरिक है तथा चरीघाट रोड बारां की निवासी है जो उम्र के इस पड़ाव में उच्च रक्तचाप एवं वृद्धावस्था की गम्भीर बीमारी से जूझ रही है। प्रार्थी क्रम 1 अप्रार्थीया का पुत्र है तथा क्रम 2 पुत्रवधू एवं क्रम 3 पौत्र है। प्रार्थी क्रम 1 विवाहित है। अप्रार्थीया के उक्त प्रार्थीगण के अतिरिक्त 2 पुत्रियां हैं जिनका विवाह अप्रार्थीया द्वारा किया जा चुका है। अप्रार्थीया की स्वअर्जित संपत्ति जो अप्रार्थीया द्वारा तत्कालीन खातेदार बदीपुरी पुत्र रामपुरी जाति गुसाई से एक भूखण्ड पैमाइशी क्षेत्र 30X40 कुल 1200 वर्गफीट तथा अन्य कब्जे की भूमि दिनांक 26.12.1986 को कय किया था तथा उक्त मौके पर खरीदशुदा प्लॉट जो लगभग 30X100 वर्गफीट का है जिस पर अप्रार्थीया द्वारा अपने पीहर वालो के सहयोग से उक्त प्लॉट पर आवासीय मकान निर्मित करवाया है तथा ग्राम विजोरा में अप्रार्थीया के खातेदारी की आराजी और एक ट्रेक्टर स्थित है जो अप्रार्थीया ने स्वयं की तथा पीहर पक्ष के सहयोग से अर्जित किये हैं। अप्रार्थीया वरिष्ठ नागरिक है जिसके पति के देहान्त के बाद अप्रार्थीया के बड़े पुत्र प्रार्थी क्रम 1 गोविन्द व उसके परिवारजन द्वारा अपने चाचा सत्यनारायण के साथ मिलकर अप्रार्थीया की स्वयं की मिल्कियति मकान पर जबरन कब्जा कर अप्रार्थीया व उसके छोटे पुत्र मुकेश को घर से निकाल दिया। वर्तमान में अप्रार्थीया अपने छोटे पुत्र के साथ निवास कर रही है। अप्रार्थीया के पति का स्वर्गवास दिनांक 13.08.2022 को होने के पश्चात अप्रार्थीया के बड़े पुत्र व उसकी पत्नी एवं बच्चो द्वारा अप्रार्थीया के नाम संपत्ति को



अपने नाम करवाने का दबाव बनाने के लिए अप्राथर्थीया का शारीरिक एवं मानसिक प्रताडनाये दी। अप्राथर्थीया का छोटा पुत्र मुकेश राजकीय सेवा में होने के कारण अप्राथर्थीया का बड़ा पुत्र गोविन्द येनकेन प्रकारेण समस्त संपत्ति को स्वयं हड़पना चाहता है तथा छोटे पुत्र पर झूठे मुकदमे लगवाकर उसे राजकीय सेवा से बरखास्त कराने की धमकियां देता है इसी कारण उसने प्रार्थीया व उसके छोटे पुत्र को अप्राथर्थीया द्वारा बनाये गये मकान से बाहर निकाल दिया। अतः निवेदन है कि प्रार्थना पत्र स्वीकार किया जाकर प्रार्थना पत्र में वर्णित मकान पर काबिज प्रार्थीया को परिसर से बेदखल करवाया जाकर अप्राथर्थीया को कब्जा दिलवाया जायें। अप्राथर्थीया के जीवन को संरक्षण प्रदान करने हेतु प्रार्थीगण को पाबंद किया जावे कि वे अप्राथर्थीया के साथ किसी भी प्रकार का लडाई झगडा मारपीट व दुर्व्यवहार नहीं करे उक्त दोनो मकानो को खुर्द बुर्द या बेचान न करें। प्रार्थीगण से अप्राथर्थीया को दस दस हजार रूपये प्रतिमाह भरण पोषण राशि दिलाये जावे।

हमने बहस उभयपक्ष पर मनन किया सम्पूर्ण पत्रावली का ध्यानपूर्वक अवलोकन किया। पत्रावली एवं रिकार्ड का अवलोकन किया गया। अप्राथर्थीया वरिष्ठ नागरिक है। प्रार्थीगण के मकान में से अप्राथर्थीया को बेदखल करने हेतु निवेदन किया गया। चूंकि माता-पिता एवं वरिष्ठ नागरिको का भरण-पोषण तथा कल्याण अधिनियम 2007 के तहत वरिष्ठ नागरिक का जो स्वयं अपना भरण-पोषण करने में असमर्थ है। अधिनियम, 2007 का मुख्य उद्देश्य वरिष्ठ नागरिको के जीवन और संपत्ति की सुरक्षा सुनिश्चित करना है, यदि कोई संतान अपने वृद्ध माता-पिता को उनके ही घर में प्रताडित करती है, तो वरिष्ठ नागरिक को अपनी संपत्ति से ऐसी संतान को बेदखल करने का पूर्ण अधिकार है। पत्रावली पर उपलब्ध साक्ष्यों से स्पष्ट है कि अप्राथर्थीया अपने ही घर में असुरक्षित और प्रताडित महसूस कर रही है। अपीलान्त को अधिनस्थ न्यायालय ने सुनवाई का पूर्ण अवसर दिया है। अधिनस्थ न्यायालय ने अप्राथर्थीया के मकान में से प्रार्थीगण को बेदखल करवाया जाकर अप्राथर्थीया को कब्जा दिलवाया जाने एवं अप्राथर्थीया के जीवन को संरक्षण प्रदान करने हेतु प्रार्थीगण को पाबन्द किये जाने व अप्राथर्थीया के साथ लडाई-झगडा व गाली-गलोच नही करने हेतु पाबन्द किये जाने के निर्देश प्रदान किये हैं। प्रकरण से संबंधित अपीलाधीन आवास वरिष्ठ नागरिक की स्वअर्जित सम्पत्ति है जिस पर अपीलान्त को कोई अधिकार प्राप्त नहीं है। वरिष्ठ नागरिक स्वयं की तथा उसकी सम्पत्ति की सुरक्षा माता पिता एवं वरिष्ठ नागरिकों का भरण पोषण तथा कल्याण अधिनियम, 2007 की मूल मंशा है। अपीलान्त इस अपील के माध्यम से वरिष्ठ नागरिक की सम्पत्ति पर अपने अधिकार की घोषणा करवाना चाहते हैं जो उचित नहीं है। अधिनस्थ न्यायालय द्वारा पारित आदेश में कोई प्रक्रियात्मक अथवा विधिक त्रुटि नहीं पाई जाती है तथा अपील अपीलान्त सारहीन होना पाई जाती है।"

10. This Court also cannot lose sight of the object and intent of the Act of 2007, which is to provide effective protection to senior citizens from abuse, neglect, and harassment. The material on record indicates that the continuance of the petitioners in the premises has led to an atmosphere of discord, as also





substantiated by the respondent-party appearing before the Court, thereby justifying the action taken by the competent authority.

11. Be that as it may, in light of the settled position of law and the facts and circumstances of the present case, particularly considering the protracted history of litigation between the parties; the fact that the respondent No.1 is an octogenarian who has allegedly been subjected to threats at the hands of the petitioners, thereby impinging upon her right to live with dignity and peace as guaranteed under Article 21 of the Constitution of India read with the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007; and further taking into account that the petitioners are not without means, inasmuch as it appears that the petitioner couple is aged about 51 and petitioner No. 3 is a young and able-bodied individual, this Court is of the considered opinion that the mandate and object of the Act of 2007, being a beneficial legislation, must receive a liberal interpretation in favour of senior citizens; consequently, no ground is made out for interference with the impugned order in exercise of supervisory jurisdiction under Article 227 of the Constitution of India.

12. Accordingly, the present petition, being devoid of merit, stand **dismissed**, with a direction that a cost of Rs.25,000/- be paid to the respondent No.1, by appropriate banking measure, within an upper limit of 30 days from the date of passing of this order. It is made clear that the present cost is imposed upon the petitioners considering the submissions made by respondent No.1, present in the Court and the fact that without any illegality, and





with a motive to be indulged in litigation, the petitioners have challenged the order dated 12.08.2026. Pending applications, if any, shall stand disposed.

13. Needless to observe, the petitioners shall comply with the impugned order dated 12.08.2026 in its letter and spirit and shall not, in any manner, disturb the peaceful living of the respondents.

(SAMEER JAIN),J

30(SA)/DEEPAK

