

Court No. - 29

Case :- WRIT - C No. - 15359 of 2025

Petitioner :- Ram Dular Gupta

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Ganga Dhar Shukla

Counsel for Respondent :- C.S.C.,Rajesh Kumar Jaiswal

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard learned counsel for the petitioner, Shri Ambrish Shukla, learned Additional Chief Standing Counsel for the State respondents, and Shri R.K. Jaiswal, learned counsel for respondent no.2.

2. The present writ petition has been filed seeking a direction to respondent no.3 to release compensation in respect of the petitioner's acquired land and structure, the amount of which has been duly quantified at Rs. 21,17,758/- through a payment notice dated 16.01.2025, within a reasonable and stipulated period.

3. This Court, on 17.07.2025, had entertained the matter and passed the following order:

"1. Counter affidavit filed on behalf of respondent no.2 is taken on record.

2. Shri G.C. Saxena, learned Standing Counsel submits that in the instant matter compensation for superstructure has already been prepared. As dispute is inter se between father (petitioner) and two sons, hence the amount could not be disbursed yet.

3. Sri P.K. Singh, Advocate, who has filed impleadment application on behalf of two sons of the petitioner, submits that his clients have also contributed in construction of the superstructure, as such, they are also entitled for compensation, so the entire compensation amount may not be disbursed in favour of their father i.e. petitioner.

4. On the other hand, learned counsel for the petitioner apprises this Court that both the sons

are settled in Surat and Mumbai respectively for their livelihood and they are not residing at Bhadohi. Once the compensation was fixed, the relation became strained and not only they quarrelled with their father, but made all sort of atrocities against the petitioner and consequently, the petitioner was forced to lodge an FIR against them. He submitted that the construction of the superstructure was done by the petitioner on his own resources, and no single penny was contributed by any of his sons. He further contended that the amount, which has been quantified, is to be released solely in favour of the petitioner.

5. Sri P.K. Singh, learned counsel states that his clients are ready and willing to apologize to their father (petitioner) and still there is ample chance for settling the matter amicably. On his request, the matter is adjourned.

6. Put up this matter tomorrow at 11.00 A.M. as fresh."

4. Pursuant to the aforesaid order, the petitioner, a senior citizen aged over 75 years and visibly infirm, appeared before this Court and earnestly placed his plight before us. His sons, Vijay Kumar Gupta and Sanjay Gupta, were also present and identified through their respective counsel.

5. Before delving further into the factual matrix, this Court feels compelled to address a matter of grave concern that arose during the course of these proceedings. It has come to light that the primary impediment in the disbursal of compensation is the bitter and unfortunate conflict between the petitioner and his sons. It is deeply unsettling that no sooner was the compensation announced than the petitioner was subjected to acts of aggression and cruelty by his own children.

6. This Court is deeply anguished by the sheer apathy and misconduct displayed by the children. There exists no greater societal failure, no deeper moral bankruptcy, than when a civilised society turns away from the silent suffering of its elders. Parents spend the most vital years of their lives toiling for the nourishment, education, and future of their children, often with no

expectation in return. But to be repaid in the winter of their lives with cruelty, neglect, or abandonment is not only a moral disgrace but also a legal violation.

7. It is both a sacred moral duty and a statutory obligation for children to protect the dignity, well-being, and care of their ageing parents. As their physical strength wanes and ailments rise, they do not seek charity, they seek security, empathy, and companionship from the very hands they once held and nurtured.

8. The twilight of life must not be marked by silence, isolation, or pain. No civilised society can condone, let alone ignore, such betrayal of our elders. The courts, in their role as protectors of the vulnerable, must rise as the last bastion of compassion when filial duty collapses. The law must speak, firmly and clearly, in defence of aged parents, and ensure that they live not just in sustenance but in dignity.

9. The Court firmly asserts that neglect, cruelty, or abandonment of elderly parents is a violation of Article 21 of the Constitution of India, the right to life with dignity. A home that has turned hostile for an ageing parent is no longer a sanctuary; it is a site of injustice. The courts must not allow this silent suffering to continue under the garb of 'family privacy.'

10. The law codifies what should already exist in every heart an instinctive human responsibility to care for those who once protected us. It is in these final years that even the smallest act of reassurance or respect can carry the greatest weight.

11. The Hon'ble Supreme Court has eloquently articulated this concern in Writ Petition (Civil) No. 193 of 2016, Ashwani Kumar

vs. Union of India and Others. It observed:

"1. "Social justice" in the Preamble of our Constitution has been given pride of place and for good reason since it is perhaps the most important and significant form of justice.

2. In his address on Constitution Day on 26th November, 2018 the Hon'ble President of India emphasised that social justice remains a touchstone of our nation building. The conceptualisation of justice by our Constitution framers was as much valid in 1949 (when the Constituent Assembly debates took place) as it is today. But, with times having changed, varied situations have emerged which may not have existed in 1949 and were perhaps not foreseen at that time. The Hon'ble President spoke on the subject of justice and particularly social justice in the following words: In the Preamble, justice is not seen as unidimensional. It is viewed as having implications across political, economic and social spheres. Political justice implies the equal participation of all adults in the political process and the just formulation and implementation of laws. Economic justice implies the ultimate eradication of poverty, equal opportunities to earn a livelihood, and fair wages. As such the expansion of economic, entrepreneurship and job opportunities are among examples of economic justice. Given the diverse history of our people, and given imbalances and hierarchies that have sometimes marked our past, social justice remains a touchstone of our nation building. At the simplest level, it implies the removal of societal imbalances and the harmonisation of rival claims and needs of different communities and groups. Social justice is about providing equal opportunities. Such a conceptualisation of justice was valid in 1949 and broadly remains relevant today. Even so, the 21st century has brought new challenges. No doubt the concept of justice-political, economic and social - has a resilient core but it needs to be thought of in innovative ways. It requires to be applied afresh to emerging situations - situations that may not have existed or been foreseen when our Constitution framers were at work.

3. The rights of elderly persons is one such emerging situation that was perhaps not fully foreseen by our Constitution framers. Therefore, while there is a reference to the health and strength of workers, men and women, and the tender age of children in Article 39 of the Constitution and to public assistance in cases of unemployment, old age, sickness and disablement and in other cases of undeserved want in Article 41 of the Constitution, there is no specific reference to the health of the elderly or to their shelter in times of want and indeed to their dignity and sustenance due to their age.

4. Eventually, age catches up with everybody and on occasion, it renders some people completely helpless and dependent on others, either physically or mentally or both. Fortunately, our Constitution is organic and this Court is forward looking. This combination has resulted in path-breaking developments in law, particularly in the sphere of social justice which has been given tremendous importance and significance in a variety of decisions rendered by this Court over the years. The present petition is one such opportunity presented before this Court to recognise and enforce the rights of elderly persons-rights that are recognised by Article 21 of the Constitution as understood and interpreted by this Court in a series of decisions over a period of several decades, and rights that have gained recognition over the years due to emerging situations."

12. The petitioner narrated, with deep pain and distress, how his own sons subjected him to physical and emotional trauma. He alleged that they even went so far as to physically bite him and displayed injuries sustained at their hands. Despite this appalling conduct, the petitioner, with a father's heart full of forgiveness, expressed that from the compensation amount received against the acquisition of his property, he would entirely, out of his own volition, share a portion with his sons.

13. In the present matter, the sons have tendered their unconditional apology before this Court and assured that no such unfortunate conduct shall occur in the future. The record also reflects that the petitioner had lodged a police complaint regarding the atrocities committed by his sons, followed by a Panchayat intervention which led to an amicable settlement.

14. Shri P.K. Singh, learned counsel appearing for the sons, reiterates before this Court that his clients will cause no further trouble and shall willingly accept whatever portion of compensation the petitioner, their father, chooses to bestow upon them from his own discretion.

15. Shri Ambrish Shukla, learned Additional Chief Standing Counsel appearing for the State respondents, has placed instructions on record and confirmed that the total compensation assessed amounts to Rs. 21,17,758/-. He has no objection if this Court directs that the said amount be released entirely in favour of the petitioner, who is the undisputed owner of the acquired property.

16. In light of the undertakings given by the petitioner and his sons, and upon assurance from the State counsel that compensation

shall be ensured at the earliest in favour of the petitioner, this Court sees no need to issue any further direction at this stage.

17. However, it is made clear that should the sons, who had moved the impleadment application, cause any annoyance or interference in the future, learned counsel for the petitioner shall be at liberty to file a recall application, and this Court shall not hesitate to pass appropriate and stringent orders.

18. The compensation amount of Rs. 21,17,758/- is accordingly directed to be released in favour of the petitioner at the earliest.

19. The writ petition stands *disposed of* accordingly.

Order Date :- 18.7.2025

A. Pandey