



2026:AHC-LKO:41908-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 4554 of 2026

Vijay Kumar Srivastava

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. To The
Govt. Deptt. Of Home Affairs And 4 Others

.....Respondent(s)

Counsel for Petitioner(s) : Abeer Mishr, Pramod Kumar Dwivedi,
Rajesh Kumar Mishra

Counsel for Respondent(s) : C.S.C.

Court No. - 2

**HON'BLE PANKAJ BHATIA, J.
HON'BLE AMITABH KUMAR RAI, J.**

Re: I.A. No.NIL, Dated : 23.06.2026 :

1. The application has been filed seeking impleadment of the applicants as opposite parties in the writ petition.
2. Learned counsel for the petitioner states that he does not want to file a reply to the impleadment application and has no objection to the impleadment of the applicants.
3. The application is allowed.
4. Let the applicants be impleaded as opposite parties/respondent nos.6 & 7 in the writ petition during the course of the day.

Re: Memo of Writ Petition :

5. Present petition has been filed by the petitioner stating that an order dated 22.04.2025 came to be passed under Sections 4 & 5 of U.P. Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

6. By means of the said order which is contained in Annexure - 1, directions were issued to behave properly with the petitioner who is father of respondents and not to cause any harassment to him and also not to create any obstruction in use of the property. It was also mentioned that in case any harassment is reported, strict action shall be taken.

7. It is argued by learned counsel for the petitioner that despite the said order being passed, the petitioner was treated with contempt and was removed from the property and was restrained from peaceful enjoyment of the property. Thus, the petitioner has approached this Court by filing the present petition.

8. Learned Standing Counsel was directed to obtain instructions in the matter as to whether the order has been complied with.

9. The instructions are taken on record wherein it is stated that after the orders were passed on 22.04.2025, an appeal was preferred on 05.05.2025 in which the original file was summoned and thus, no steps for execution could be taken as the original file was summoned by the appellate authority. It is further stated that the appeal is pending consideration in which 03.07.2026 is the next date fixed.

10. Learned counsel for the applicants/respondents who filed the impleadment application and represents the legal heirs of the petitioner straneously argues that it is the petitioner who has caused disruption in the family and various litigation including the litigation at the instance of the wife of the petitioner are pending. It is further argued that the appeal preferred against the impugned order is pending consideration. However, it is not disputed that no interim order has been passed pending the appeal.

11. Considering the submissions made at the Bar and the fact that no interim order has been passed in the appeal preferred against the order dated 22.04.2025, it was incumbent upon the State Authorities to have implemented the said order.

12. As it is argued that the original file has been transmitted to the appellate Court, present petition is **disposed off** directing the appellate Court to retain the photocopy of the original record and to return the

original record to the District Magistrate who shall ensure that the said order passed on 22.04.2025 is complied with within a period of one week unless any order is passed by the appellate authority meanwhile.

(Amitabh Kumar Rai,J.) (Pankaj Bhatia,J.)

June 24, 2026
nishant