**SYNOPSIS**

1. The Petitioners are filing the present Writ Petition under Article 226 of the Constitution of India Praying inter alia for issuing Writ of Mandamus and other appropriate Writ for directing the Respondent No. 1 to Release Respondent No. 4 from the premises of Respondent No. 5, seeking direction to Respondent No. 1 inquire into the incident of keeping Respondent No.4 in confinement by Respondent No. 5 in an illegal building without basic amenities and in un healthy conditions, conduct proper medical tests on Respondent No. 4 and also seeking Direction to Respondent No. 4 to take care of ailing Petitioners at their old age and provide maintenance to them under Section 4 of Maintenance of Parents and Senior Citizens Act 2007.
2. That the petitioners are Senior Citizens aged \_\_ and \_\_ years and Parents of Respondent No.4, \_\_\_\_\_\_\_\_\_\_\_\_\_, who has been staying in the Premises of Respondent No. 5 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ since July 20\_\_. The Petitioners being senior citizens need the support of Respondent No. 4 to take care of their health, necessities etc.
3. That the Petitioners have strong doubts on the Respondent No. 5 kept their Respondent No. 4 under the influence of drugs or any other substance.
4. That Respondent No. 4 is an Engineer and was earning Rs. 24 Lakh a year and when she joined Respondent No.5. The Petitioners have strong doubt that Respondent No. 5 has trapped her for the sake of bank deposit.
5. That the Respondent No. 4 categorically told on \_\_\_\_\_\_ through phone that she is not interested to talk to the Petitioners as they are not left hope on her and continuously raising the issue in Court, government authorities, Media and Police stations.
6. That as per Section 4 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, the Children are obliged to maintain a senior citizen to the needs of such citizen so that senior citizen may lead a normal life.
7. That as per Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 the Application for maintenance should be filed in Tribunal, but due to the Peculiar situation in this matter, as the Respondent No. 4 is confined in the Ashram of Respondent No.5, the Petitioners are approaching this Hon’ble Court for Justice.

**LIST OF DATES AND EVENTS**

2016 Respondent No.4 stayed and studied Masters in Commerce. She started working for an approximate salary package of Rs. 24 lakhs a year.

July 2016 Respondent No.4 came back to India and started staying in without intimating her parents.

2016-19 Petitioner No.2 made several complaints to Police and government authorities for return of their daughter. But there was no action on the part of the authorities.

15.1.20\_\_ Respondent No.4 categorically told to the Petitioners on Mobile phone that she is not willing to meet or talk to them as they are continuously maligning the Respondents No. 5 by making complaints to Police and approaching Media. She has told to the Petitioners that since this Hon’ble court expressed helplessness in the pending PIL, nothing will happen to the Respondents No. 5.

\_\_.02.20\_\_ Hence the instant Writ Petition

IN THE HIGH COURT OF DELHI AT NEW DELHI

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. OF 2020

**IN THE MATTER OF:**

A B C ….PETITIONERS

VERSUS

XYZ ….RESPONDENTS

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING INTER ALIA FOR ISSUING WRIT OF MANDAMUS AND OTHER APPROPRIATE WRIT FOR DIRECTING THE RESPONDENT NO. 1 TO RELEASE RESPONDENT NO. 4 FROM THE PREMISES OF RESPONDENT NO. 5, SEEKING DIRECTION TO RESPONDENT NO. 1 INQUIRE INTO THE INCIDENT OF KEEPING RESPONDENT NO.4 IN CONFINEMENT BY RESPONDENT NO. 5 IN AN ILLEGAL BUILDING WITHOUT BASIC AMENITIES AND IN UN HEALTHY CONDITIONS, CONDUCT PROPER MEDICAL TESTS ON RESPONDENT NO. 4 AND ALSO SEEKING DIRECTION TO RESPONDENT NO. 4 TO TAKE CARE OF AILING PETITIONERS AT THEIR OLD AGE AND PROVIDE MAINTENANCE TO THEM UNDER SECTION 4 OF MAINTENANCE OF PARENTS AND SENIOR CITIZENS ACT 2007**.**

To,

The Hon’ble Chief Justice of High Court,

And His Companion Judges of the

Hon’ble High Court of Delhi.

The humble petition of the

Petitioner above named.

**MOST RESPECTFULLY SHOWETH:**

1. The Petitioners are filing the present Writ Petition under Article 226 of the Constitution of India Praying inter alia for issuing Writ of Mandamus and other appropriate Writ for directing the Respondent No. 1 to Release Respondent No. 4 from the premises of Respondent No. 5, seeking direction to Respondent No. 1 inquire into the incident of keeping Respondent No.4 in confinement by Respondent No. 5 in an illegal building without basic amenities and in un healthy conditions, conduct proper medical tests on Respondent No. 4 and also seeking Direction to Respondent No. 4 to take care of ailing Petitioners at their old age and provide maintenance to them under Section 4 of Maintenance of Parents and Senior Citizens Act 2007.
2. That Petitioner No. 1 is \_\_ years old mother of Respondent No.4 and is a House wife.
3. That Petitioner No. 2 is father of Respondent No. 4 and he is \_\_ years old.
4. That Respondent No. 4, is the daughter of Petitioner No. 1 and 2.
5. That the Petitioners being retired senior citizens need the support of their daughter as they do not have sons, no other person, to take care of their health, necessities etc. Petitioner No. 1 is suffering from various ailments like joints pain on legs, tooth pain which require root canal treatment and other old age problems. Petitioner No.2 is facing high blood pressure, heart related health issues and he requires regular medical check-up. The Petitioners are running pillar to post to get their constitutional rights. They have approached Delhi Police and Central Government to handover their daughter to them, but no action has been taken by the authorities against the Respondent No. 5, to release their daughter.
6. That the Petitioners have strong doubts on Respondent No. 5, that his team kept their daughter under the influence of drugs or any other substance .
7. It is submitted that the Petitioners have only one daughter Respondent No. 4 is living in the premises of Respondent No. 5 in Delhi, India and she deserted her senior citizen parents at their old age.
8. That as per Section 4 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 the Children are obliged to maintain a senior citizen to the needs of such citizen so that senior citizen may lead a normal life. Extracts of Section 4 of the Act is as under:

*“4. Maintenance of parents and senior citizens.—(1) A senior citizen including parent who is unable to maintain himself from his own earning or out of the property owned by him, shall be entitled to make an application under section 5 in case of—*

*(i) parent or grand-parent, against one or more of his children not being a minor;*

*(ii) a childless senior citizen, against such of his relative referred to in clause (g) of section 2.*

*(2) The obligation of the children or relative, as the case may be, to maintain a senior citizen extends to the needs of such citizen so that senior citizen may lead a normal life.*

*(3) The obligation of the children to maintain his or her parent extends to the needs of such parent either father or mother or both, as the case may be, so that such parent may lead a normal life.*

*(4) Any person being a relative of a senior citizen and having sufficient means shall maintain such senior citizen provided he is in possession of the property of such citizen or he would inherit the property of such senior citizen:*

*Provided that where more than one relatives are entitled to inherit the property of a senior citizen, the maintenance shall be payable by such relative in the proportion in which they would inherit his property.”*

True copy of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is annexed herewith and marked as **Annexure P-1.**

1. That as per Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 the Application for maintenance should be file in Tribunal, but due to the Peculiar circumstances in this matter as the Respondent No.4 is confined in the Ashram of Respondent No. 5 the Petitioners are approaching this Hon’ble Court for Justice.
2. That on April \_\_\_\_ the Petitioners filed complaint with Station House Officer, Police Station \_\_\_\_\_\_\_\_\_\_\_ New Delhi requesting appropriate action in securing their daughter safely from the centre. Copy of the letter dated April 1, 2016 sent by the Petitioners to SHO, \_\_\_\_\_\_\_\_\_\_\_ Police Station is annexed herewith and marked as **Annexure P-2.**
3. That on April \_\_\_\_\_the Petitioners wrote to the Delhi Commission for women, ITO, New Delhi requesting them to take appropriate action in securing their daughter safely from the centre and help in restoring peace to the family on humanitarian ground. Copy of the letter dated April \_\_\_\_ sent by the Petitioner to Delhi Commission for Women is annexed herewith and marked as **Annexure P-3.**
4. That Respondent No. 3 not yet arrested Respondent No. 5 against whom several serious criminal cases are registered by CBI. The Financial transactions of Respondent No. 5 are also needs to be verified by a competent authority. Because even after the hiding of founder of the Respondent No. 5, it has been running un interruptedly in an illegal/un authorised building and getting all kind of financial, strategic support.
5. That being aggrieved, the Petitioner has no other alternative remedy but to approach this Hon’ble Court and invoke Article 226 of the Constitution of India on the following amongst other grounds which are urged hereinafter without prejudice to each other.

**GROUNDS**

That the present Writ Petition is being filed on the following, amongst other, grounds without prejudice to each other;

1. Because the Petitioners being retired/ senior citizens need the support of their daughter as they do not have sons and no other person to take care of their health, necessities etc. The Petitioners are running pillar to post to get their constitutional rights. They have approached Delhi Police and Central Government to handover their daughter to them, but no action has been taken by the authorities against Respondent No. 5 to release their daughter..
2. Because the Petitioners have strong doubts on Respondent No. 5 kept their daughter under the influence of drugs or any other substance.
3. Because the Petitioners have only one daughter, Respondent No. 4 is living in the Ashram and she deserted her senior citizen parents. The Petitioners have no other close relatives to look after them.
4. Because as per Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 the Application for maintenance should be file in Tribunal, but due to the Peculiar situation in this matter as the Respondent No. 4 is confined in the Ashram of Respondent No. 6 the Petitioners are approaching this Hon’ble Court for Justice.
5. That the Petitioners have no other efficacious remedy except to approach this Hon’ble Court by way of this Petition under Article 226 of the Constitution of India.
6. That the Petitioners have not filed any other petition, claim, suit or preceding in any court or tribunal throughout the territory of India regarding the matter in dispute.

**PRAYERS**

In view of the facts & circumstances stated above, it is most respectfully prayed that this Hon’ble Court may be pleased to:-

1. Issue a Writ of Mandamus or any other appropriate Writ to Respondent No. 1 to immediately release of Respondent No. 4, daughter of Petitioners from the custody of Respondent No. 5;
2. Issue an appropriate Writ to the Respondent No. 4 to take care of her ailing parents, give maintenance to them as per Section 4 of Maintenance of Parents and Senior Citizens Act 2007;
3. Any other relief, order or direction this court may deem fit and proper under the facts and circumstances of this case.

**AND FOR THIS ACT OF KINDNESS THE PETITIONER AS DUTY BOUND SHALL EVERY PRAY.**

THROUGH

**ADVOCATES FOR THE PETITIONERS**

NEW DELHI

DATE: