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HIGH COURT OF KARNATAKA



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Status: **Pending**

Case Number: **WP 4825/2024**
(KAHC010080602024)

Classification: **GM RES**

Date of Filing: **06/02/2024**
13:24:06

Petitioner: **SRI PRAVEEN KUMAR**

Petitioner Advocate:
RAVISHANKAR S

Respondent: **THE STATE OF KARNATAKA**

Respondent Advocate:

Filing No.: **WP 3953/2024**

Judge: **SURAJ GOVINDARAJ**

Last Posted For: **PRELIMINARY HEARING - B GROUP**

Last Date of Action: **22/07/2026**

Last Action Taken:
ADJOURNED

Next Hearing Date: **10/08/2026**

Daily Orders: WP 4825/2024

1	<u>22/07/2026</u>	SURAJ GOVINDARAJ	ADJOURNED
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1. Learned Additional Government Advocate, on oral instructions received from the Assistant Commissioner, Mysuru, submits that pursuant to the directions issued by this Court, the Assistant Commissioner personally visited respondent No.4. During the course of such visit, it was found that respondent No.4 is suffering from gangrene affecting her right foot, apart from other age-related medical ailments, and is in immediate need of specialised medical attention.
2. Learned Additional Government Advocate further submits, on instructions, that the State Government shall ensure that respondent No.4 is immediately admitted to an appropriate Government Hospital at Mysuru having adequate facilities and expertise in geriatric care and the treatment required for gangrene and other associated ailments.
3. Having regard to the advanced age and precarious medical condition of respondent No.4, and taking note of the fact that her children, including the petitioner, have not been taking adequate care of her, this Court is of the considered opinion that immediate intervention is warranted to safeguard her life and health. Accordingly, respondents Nos.1 to 3 are directed to ensure that respondent No.4 is forthwith admitted to a suitable Government Hospital at Mysuru and is provided with all necessary specialised medical treatment, nursing care, geriatric care, surgical intervention, medicines, diagnostic investigations, rehabilitation and such other medical assistance as may be required, entirely at the cost of the State Government. The treating hospital shall ensure that respondent No.4 receives continuous and uninterrupted medical care until she is medically fit for discharge.
4. The Medical Superintendent of the hospital shall nominate a senior medical officer as the Nodal Officer for coordinating the treatment of respondent No.4 and for periodically informing the Assistant Commissioner, Mysuru, regarding her medical condition and progress. The Assistant Commissioner shall continue to monitor the welfare of respondent No.4 during the period of her hospitalisation and extend such assistance as may be required for ensuring her safety, treatment and overall well-being.
5. The petitioner and the daughter of respondent No.4 shall be entitled to visit respondent No.4 during the period of her hospitalisation in accordance with the visiting hours and medical protocol prescribed by the hospital, provided that such visits do not interfere with her treatment or recovery. The petitioner and the daughter of respondent No.4 shall furnish their respective mobile numbers, e-mail addresses and residential addresses to the Assistant Commissioner, Mysuru, as well as to the Medical Superintendent of the concerned hospital, to facilitate communication regarding the health condition, treatment and any medical decisions concerning respondent No.4.
6. The Medical Superintendent shall ensure that periodic updates regarding the medical condition and treatment of respondent No.4 are furnished to the Assistant Commissioner, Mysuru, so as to keep him informed of her progress and any significant developments requiring his attention.
7. This Court, by order dated 21.07.2026, had directed the State Government to place on record whether a comprehensive action plan has been formulated in terms of Section 20 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and Rules 20 and 21 of the Karnataka Maintenance and Welfare of Parents and Senior Citizens Rules, 2009, for providing effective medical support, welfare measures and protection to senior citizens.
8. While placing the said report on record, the State Government shall also take into consideration the large number of matters concerning senior citizens which are repeatedly coming before this Court, involving neglect, abandonment, abuse, exploitation, deprivation of maintenance, denial of residence, unlawful deprivation of property, lack of medical care, absence of institutional support and other circumstances affecting their dignity, safety and well-being. The State Government shall examine whether the existing statutory framework under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 adequately addresses all such situations or whether additional executive, policy or legislative measures are required.
9. In this regard, the State Government shall also examine the feasibility of evolving a comprehensive framework, broadly on the lines of the institutional protection available under the Juvenile Justice (Care and Protection of Children) Act, 2015, for identifying and extending protection to "Senior Citizens in Need of Care and Protection." The State may, in particular, examine whether an appropriate legislative or executive framework can be evolved for identifying senior citizens who, by reason of age, physical or mental infirmity, abandonment, neglect, abuse or any other vulnerability, require the intervention of the State for ensuring their protection, welfare and rehabilitation.
10. Without limiting the scope of such examination, the State Government shall consider whether a senior citizen may be regarded as being in need of care and protection where such senior citizen is, inter alia—
 - 10.1. is found without adequate shelter, residence or means of subsistence;
 - 10.2. has been abandoned, deserted or neglected by children, relatives or persons responsible for his or her care;
 - 10.3. is childless and has no relative or other person willing or capable of providing care, protection or support;
 - 10.4. resides with any person who has subjected or is subjecting such senior citizen to physical, mental, emotional, verbal, psychological, economic or financial abuse, neglect, exploitation or deprivation;
 - 10.5. resides in circumstances where there exists a reasonable apprehension of abuse, neglect, coercion, violence or exploitation;
 - 10.6. is suffering from physical disability, mental illness, dementia, Alzheimer's disease, terminal illness, chronic illness or age-related incapacity and has no person capable or willing to provide appropriate care;
 - 10.7. has a caregiver, guardian or family member who is incapable, unwilling or otherwise unfit to provide proper care and protection;

10.8. is deprived of food, clothing, shelter, medical treatment, medicines, nursing care, rehabilitation or other basic necessities essential for living a life of dignity;

10.9. has been unlawfully dispossessed or is threatened with dispossession from his or her residence or property, or is subjected to coercion, undue influence or fraud in relation to transfer of property, pension, savings or other financial assets;

10.10. is subjected to financial exploitation, economic abuse, cheating, coercion, forgery, misappropriation of property or deprivation of lawful entitlements;

10.11. is found wandering, missing or incapable of returning safely to his or her residence due to physical infirmity, cognitive impairment or other disability;

10.12. is vulnerable to trafficking, forced labour, forced begging, organised exploitation or any other unlawful activity;

10.13. lives in complete isolation without family support or immediate access to emergency assistance;

10.14. is affected by natural disasters, epidemics, accidents, civil disturbances or other emergencies rendering such senior citizen incapable of self-care;

10.15. is otherwise found to be living in circumstances which endanger his or her life, liberty, health, dignity or overall well-being etc.,

11. The State Government shall further examine the feasibility of establishing an integrated institutional mechanism for such senior citizens, including—

11.1. identification, rescue and production before the appropriate authority wherever immediate intervention is required;

11.2. constitution of appropriate statutory or administrative authorities, district-level committees or multidisciplinary bodies for assessment of vulnerable senior citizens and preparation of individual care, protection and rehabilitation plans;

11.3. establishment of dedicated twenty-four-hour emergency response systems, helplines, outreach services and rapid response teams;

11.4. temporary shelter homes, assisted living facilities, care centres, rehabilitation centres, long-term residential institutions and specialised facilities for senior citizens requiring varying degrees of care;

11.5. comprehensive geriatric healthcare, nursing assistance, mental healthcare, psychiatric care, palliative care, physiotherapy, rehabilitation services and home-based care;

11.6. counselling, psychological support, mediation and family reconciliation wherever feasible and in the interest of the senior citizen;

11.7. legal aid, assistance in securing maintenance, protection and restoration of property, enforcement of statutory and constitutional rights and assistance in criminal proceedings wherever necessary;

11.8. appointment of case workers, social workers, geriatric care coordinators, welfare officers or other designated officers to monitor and supervise the care and rehabilitation of vulnerable senior citizens;

11.9. coordinated intervention by the Police, Revenue Department, Health Department, Department of Social Welfare, Department for the Welfare of Senior Citizens, Legal Services Authorities, Urban and Rural Local Bodies and other concerned agencies;

11.10. periodic monitoring of vulnerable senior citizens through home visits, digital case management systems, social audits and community-based monitoring mechanisms;

11.11. development of community-based care models, day-care centres, volunteer networks, home assistance programmes, assisted community living and other measures facilitating social inclusion and dignified ageing;

11.12. establishment of mechanisms for reporting abuse, neglect and exploitation, protection of whistle-blowers, grievance redressal systems, periodic inspections and regulatory oversight of institutions catering to senior citizens;

11.13. formulation of Standard Operating Procedures, preparation of comprehensive action plans, maintenance of digital records and databases, capacity building of stakeholders, public awareness programmes and periodic review of implementation;

11.14. formulation of comprehensive welfare schemes to ensure that every senior citizen in need of care and protection receives timely intervention, appropriate institutional or community support, rehabilitation, social reintegration and an opportunity to live with dignity in accordance with the mandate of Article 21 of the Constitution of India etc.,

12. While this Court is conscious that children and senior citizens constitute distinct classes requiring separate statutory treatment, the underlying constitutional principle of extending effective protection to vulnerable persons who are unable to safeguard their own interests warrants serious consideration. The concept of a "child in need of care and protection" embodied in Section 2(14) of the Juvenile Justice (Care and Protection of Children) Act, 2015 demonstrates a comprehensive statutory model for identifying vulnerable persons and providing institutional care, rehabilitation and protection. The State Government shall therefore examine whether a corresponding framework, suitably adapted to the needs of senior citizens, can be evolved by legislative, executive or policy measures for identifying "Senior Citizen in Need of Care and Protection" and extending to them appropriate measures relating to rescue, protection, shelter, healthcare, rehabilitation, legal assistance, social support, institutional care, community-based care and continuous monitoring.

13. The report to be filed before this Court shall specifically indicate—

- 13.1. the existing statutory provisions, schemes and institutional mechanisms presently available for the protection and welfare of vulnerable senior citizens;
- 13.2. the deficiencies and gaps noticed in the existing framework;
- 13.3. the additional executive, administrative or legislative measures proposed to be undertaken;
- 13.4. the departments and agencies responsible for implementation;
- 13.5. the timelines for implementation of such measures;
- 13.6. whether the State proposes to formulate a comprehensive policy or legislation dealing with Senior Citizens in Need of Care and Protection on the above lines.
14. Registrar (Judicial) is directed to forward a copy of this order to the Chairperson, Karnataka Law Commission, to take such action as he may deem fit in the circumstances of the matter.
15. Re-list on 10.08.2026 at 2.30 p.m. for further hearing. Both counsels are directed to get ready and address arguments on merits.
16. The interim order granted earlier shall continue until the next date of hearing.

Last Updated On: 2026-07-23 15:42:14

2	<u>21/07/2026</u>	SURAJ GOVINDARAJ	ADJOURNED
1. Heard Sri.Ravishankar.S., learned counsel appearing for the petitioner and Sri.P.M.Siddamallappa, learned counsel appearing for Respondent No.4. 2. The details of the payments made by the petitioner to Respondent No.4 were furnished to counsel for Respondent No.4. On verification, he submitted that the payments have been made, the amount withdrawn by Respondent No.4 and expended for her medical treatment. His submission is that the medical condition of Respondent No.4 is precarious and that even the hospital has discharged her, on the ground that no further treatment would help her. His further submission is that Respondent No.4 is staying with her daughter. 3. There are large number of matters, which are coming up before this Court as regards the senior citizens' rights being violated. 4. Section 20 of the Maintenance and Welfare of Parents and Seniors Act, 2007 requires for the State Government to ensure that the Government hospitals or hospitals funded fully or partially by the Government shall provide beds for all senior citizens as far as possible; as also facility for treatment of chronic, terminal and degenerative diseases is expanded for senior citizens and earmarked facilities for geriatric patients in every District Hospital duly headed by a Medical Officer with experience in geriatric care. 5. Section 22 of the Maintenance and Welfare of Parents and Seniors Act, 2007 requires the District Magistrate to implement the provisions of the Act. 6. Section 20 Maintenance and Welfare of Parents and Seniors Act, 2007 expands on the duties and powers of District Magistrate. In terms of sub-Rule 2 of Rule 20 of the said Act, the District Magistrate is required to ensure that life and property of senior citizens of the District are protected and they are able to live with security and dignity. 7. In that view of the matter, the District Magistrate in Mysuru is directed to depute a suitable person to visit Respondent No.4, at #133, LIG (KHB), 3rd Stage, Kuvempunagar, Mysuru - 570 023, preferably with a qualified medical practitioner, to ascertain the status of Respondent No.4 and place on record the way forward to protect the health and life of Respondent No.4. 8. The learned AGA to inform the Deputy Commissioner orally about the above order. 9. The Deputy Commissioner to take action without waiting for the order to be uploaded. 10. The report to be submitted by the afternoon session tomorrow, i.e., on 22.07.2026. 11. Re-list on 22.07.2026 at 02.30 p.m. and the learned AGA to also secure instructions and make a submission as to whether there is a comprehensive action plan prepared in terms of sub-section 22 r/w Rule 21 Karnataka Maintenance and Welfare of. Parents and Senior Citizens Rules, 2009. Last Updated On: 2026-07-21 17:19:30			
3	<u>29/06/2026</u>	SURAJ GOVINDARAJ	ADJOURNED



ORAL ORDER

1. Learned counsel for the petitioner submits that the details of transfer of the amounts has been furnished to the respondents.
2. Counsel for respondent No.4 seeks for and is granted two weeks time to verify and make his submission.
3. I.A.No.1/2024 will be considered along with the main petition.
4. Re-list on 21.07.2026.
5. Interim order granted earlier is extended till the next date of hearing.

Last Updated On: 2026-07-03 17:37:52

4	<u>18/06/2026</u>	SURAJ GOVINDARAJ	ADJOURNED
	Learned counsel for the petitioner submits that the petitioner has been making payment of over Rs.10,000/- per month to respondent No.4, as per the orders dated 16.02.2024, a sum of Rs.10,000/- is being paid month on month. 2. Learned counsel for respondent No.4 disputes the same, contending that respondent No.4 has not received any amount from the time of the order. 3. Learned counsel for the petitioner is directed to place on record the account statement of respondent No.4, the bank account details where the amount has been deposited and the details of the deposits made in the said bank account. 4. Re-list on 29.06.2026. 5. Interim order granted earlier is extended till the next date of hearing. Last Updated On: 2026-06-23 12:59:11		
5	<u>29/04/2026</u>	SACHIN SHANKAR MAGADUM	ADJOURNED
	List after summer vacation, 2026. Interim order granted earlier is extended till next date of hearing. Last Updated On: 2026-05-02 13:22:02		
6	<u>24/07/2025</u>	S.SUNIL DUTT YADAV	ADJOURNED
	List the matter week after next. The interim order in operation is continued till the next date of hearing. Last Updated On: 2025-07-25 11:42:18		
7	<u>22/04/2025</u>	M.NAGAPRASANNA	ADJOURNED
	List the matter after ensuing summer vacations'2025. Interim order granted earlier, is extended till the next date of hearing. Last Updated On: 2025-04-22 18:12:39		
8	<u>27/03/2025</u>	M.NAGAPRASANNA	ADJOURNED
	List this matter on 22.04.2025. Interim order granted earlier is extended till the next date of hearing. Last Updated On: 2025-03-28 17:12:51		
9	<u>25/09/2024</u>	HEMANT CHANDANGOUDAR	ADJOURNED

	List after Dasara Vacation, 2024. The interim order granted earlier, if any, is extended till the next date of hearing. Last Updated On: 2024-09-26 14:53:44		
10	<u>13/09/2024</u>	HEMANT CHANDANGOUDAR	ADJOURNED
	List on 25.9.2024. Interim order granted earlier is extended till the next date of hearing. Last Updated On: 2024-09-18 10:24:05		
11	<u>30/08/2024</u>	HEMANT CHANDANGOUDAR	ADJOURNED
	List on 13.9.2024. The interim order granted earlier, if any, is extended till the next date of hearing. Last Updated On: 2024-09-02 10:31:35		
12	<u>14/08/2024</u>	HEMANT CHANDANGOUDAR	ADJOURNED
	At request of learned counsel for respondent No.4, re-list on 30.08.2024. Interim order granted earlier is extended till the next date of hearing. Last Updated On: 2024-08-22 17:06:46		
13	<u>01/08/2024</u>	HEMANT CHANDANGOUDAR	ADJOURNED
	Re-list on 14.08.2024. Interim order granted earlier is extended till the next date of hearing. Last Updated On: 2024-08-03 13:10:57		
14	<u>11/07/2024</u>	S.R.KRISHNA KUMAR	ADJOURNED
	RE LIST ON 01.08.2024. INTERIM ORDER GRANTED EARLIER IS EXTENDED TILL THE NEXT DATE OF HEARING. Last Updated On: 2024-07-12 10:43:23		
15	<u>22/04/2024</u>	M.NAGAPRASANNA	ADJOURNED
	List this matter immediately after Summer Vacation -2024. Interim order granted earlier is extended till next date of hearing. Last Updated On: 2024-04-27 11:02:27		
16	<u>16/02/2024</u>	M.NAGAPRASANNA	ADJOURNED