

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No.15263 of 2015
Date of decision: 29.07.2015**

Shamsher Singh and another ... Petitioners

Vs.

The Union Territory Administration, Chandigarh
and others ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not? Yes
3. Whether the judgment should be reported in the Digest?

Present:- Petitioner-Shamsher Singh in person.

AMIT RAWAL J. (Oral)

The petitioners being senior citizens have approached this Court for issuance of a writ in the nature of mandamus directing respondent No.2-The District Magistrate, Union Territory, Chandigarh for execution and enforcement of Chapter V of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as '2007 Act') and the rules framed by the Chandigarh Administration, as well as, execution and enforcement of the orders dated 03.09.2010, 28.11.2013 and 29.01.2015, Annexures P-10, P-11 and P-12, passed by the Deputy Commissioner in pursuance to the petition filed under Rule 19 of 2009 Rules.

It has been stated that there is some civil suit with regard

to ownership of the property bearing House No.234 Village Maloya, U.T.Chandigarh vis-a-vis Will dated 08.06.2005 executed by father of petitioner No.1 and gift deed dated 03.04.2006. It has been further submitted that civil suit filed by the private respondents has been dismissed in default and the petitioners are stated to have filed civil suit under Section 6 of the Specific Relief Act claiming the possession with regard to first floor which was dismissed and revision petition bearing No.5228 of 2014 is stated to be pending in this Court.

On perusal of the orders passed by the Deputy Commissioner, whereby, appropriate directions have been issued to the Station House Officer (SHO), Police Station, Sector 39, Chandigarh to depute a Sub Inspector of Police working under his control to visit house of the petitioners at regular intervals to ensure safety of their life and property as desirable under Section 22 of 2007 Act. It has been submitted that the petitioners being senior citizens are abused, much less, being harassed by the police in pursuance to the orders passed from time to time and in this regard, complaints vide Annexures P-13, P-14 and P-15 have been sent to the Inspector General of Police, Chandigarh on 10.11.2014, 23.09.2014 and 18.07.2014, and but no action has been taken so far. Even same allegations had been made against SHO concerned to the Police Station.

Without going into the merits and de-merits of the

averments made in the complaints, I deem it appropriate to dispose of the present writ petition by issuing directions to the Deputy Commissioner and Senior Superintendent of Police, Union Territory, Chandigarh to implement the orders Annexures P-10, P-11 and P-12 in letter and spirit and to ensure safety of life and liberty of the petitioners and further ensure that they are not harassed by the respondents or by any other officials at the instance of the respondents.

Petitioners are granted liberty to approach this Court, in case directions contained in the aforementioned orders are not complied with in letter and spirit. The statement of objects and reasons for implementation of the 2007 Act are that traditional norms and values of the Indian society laid stress on providing care for the elderly. However, due to withering of the joint family system, a large number of elderly are not being looked after by their family and they are exposed to emotional neglect and to lack of physical and financial support. This clearly reveals that ageing has become a major social challenge and there is a need to give more attention to the care and protection for the older persons and thus, an obligation is on the persons who inherit the property of their aged relatives to maintain such aged relatives and also proposes to make provisions for setting up oldage homes for providing maintenance to the indigent older persons.

Keeping in view the aforementioned facts, I further direct

the private respondents No.9 to 14 to maintain law and order to strictly comply with the aims and objects of the 2007 Act and should not attempt to abuse and cause harassment to their parents. In case, it is found that they are not adhering to the directions, tress pass in the residential accommodation in possession of petitioners or encroaching upon their privacy, the Deputy Commissioner and Senior Superintendent of Police, U.T, Chandigarh on being informed, are directed to ensure compliance of this order. They are further directed to make an attempt to negotiate between the parties in arriving at some settlement, if possible.

With the aforementioned directions, writ petition stands disposed of.

(AMIT RAWAL)
JUDGE

July 29, 2015
savita