

CWP No.9340 of 2015

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

CWP No.9340 of 2015

Date of Decision: May 13, 2015

Ravinder Chadha & another

...Petitioners

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Veneet Soni, Advocate
for the petitioners.

AUGUSTINE GEORGE MASIH, J. (Oral):

Petitioners, who are senior citizens, have approached this Court against their son and daughter-in-law (respondents No.5 and 6) alleging that they have been now ousted from their agricultural land which was the only source of their income and an effort is being made to now even throw them out of their house. Petitioners have already moved an application dated 28.01.2015 (Annexure P-5) under Sections 21, 22 read with Section 32 (f) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 for protection of life and liberty before the Sub-Divisional Magistrate-cum-Tribunal constituted under the 2007 Act and the Haryana Maintenance of Parents and Senior Citizens Rules 2009, at Karnal.

Assertion has been made on behalf of the petitioners by their counsel that respondents No.5 and 6 have not been served in the proceedings under the 2007 Act till date, although notices were

CWP No.9340 of 2015

issued on 29.01.2015 for 23.03.2015 and thereafter for 27.03.2015, 13.04.2015 and the case is now listed for consideration on 18.05.2015. A prayer has already been made in the main application dated 28.01.2015 (Annexure P-5) to provide them protection of their lives and property by giving necessary directions to the respondents 5 and 6 not to interfere in the peaceful life, land and house of the petitioners.

Counsel further states that the petitioners would file a fresh application specifically praying for the protection of their lives and liberty as also for protecting their possession over the house where they are residing. Petitioners are not being permitted by the Station House Officer of Police Station Jundla, District Karnal-respondent No.4 which is an unfortunate action taken by him on an application preferred by the petitioners dated 20.04.2015 (Annexure P-6) addressed to the Superintendent of Police, Karnal-respondent No.3 which was marked to the Station House Officer alleging therein that the threat to their lives and liberty and the protection of their standing crop in the farm of the petitioners which was illegally being removed. Respondent No.4 instead of protecting the lives and property of the petitioners as per the representation/complaint of the petitioners dated 20.04.2015 (Annexure P-6), has restrained the petitioners to even enter their own farm land. He, therefore, contends that a direction may be issued that their lives and property be protected from respondents No.5 and 6.

Keeping in view the submissions which have been made

CWP No.9340 of 2015

by the counsel for the petitioners, a direction is issued to the Sub-Divisional Magistrate-cum-Tribunal-respondent No.2 to expedite the decision on the application dated 28.01.2015 (Annexure P-5) and conclude the same at the earliest. If an application is made by the petitioners for protection of the life and property, the same shall be considered and appropriate orders passed thereon at the earliest but not beyond the period of three days of submission of such application. Direction is also issued to the Superintendent of Police, Karnal-respondent No.3 to look into the conduct of respondent No.4 in the light of the above recorded assertions of the counsel for the petitioners and take appropriate steps, in accordance with law, to redress the grievance, if any, of the petitioners keeping in light the complaint dated 20.04.2015 (Annexure P-6).

The writ petition is disposed of, accordingly, with above directions.

Copy of this order be given *dasti* to the counsel for the petitioners under the signatures of Special Secretary of this Court.

May 13, 2015

Harish

**(AUGUSTINE GEORGE MASIH)
JUDGE**