

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

COCP No. 1137 of 2016

Date of decision : 22.05.2017

Sucha Singh Sandhu

...Petitioner

V/s

Rajdeep Kaur & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Ms. Amrita Singh, Advocate for
Ms. Anju Arora, Advocate for the petitioner.

Mr. V. Ramswaroop, Addl. A.G. Punjab.

Mr. Rohit Arya, Asst. A.G. Haryana.

Ms. Deepali Puri, Advocate for
Mr. Suvir Sehgal, Sr. Standing counsel for U.T. Chandigarh.

Mr. Ishrat Phulka, Advocate for the respondents.

Mr. Gautam Dutt, Advocate as amicus curiae.

RAJAN GUPTA J.

Petitioner invoked contempt jurisdiction of this court alleging that order passed by writ court has been violated. It is alleged that son of the petitioner namely Khushwant Singh Sandhu got 2/3 share of a house situated in Mohali transferred in his name. The writ court set-aside the order passed by appellate tribunal and modified the same. Petitioner initially approached the Sub Divisional Magistrate for setting-aside the transfer of 2/3 share of the property in name of his son. His petition was allowed by the court. The appellate tribunal, however, interfered on an appeal being filed by son and daughter-in-law of petitioner. Petitioner challenged the order passed by appellate authority before this court in CWP No. 1147 of 2014. The writ

court held that appeal preferred by son and daughter-in-law was not maintainable. It, thus set-aside the order being without jurisdiction. Instant contempt petition was preferred as the authority (GMADA) failed to make necessary entries in the record regarding the order passed by Sub Divisional Magistrate. During pendency of this petition, order was implemented and grievance of the petitioner was redressed. However, a question was framed by this court on January 31, 2017 regarding mechanism for execution of order passed under the Welfare of Parents and Senior Citizens Act, 2007. Counsel representing State of Punjab, Haryana and U.T. Chandigarh were asked to assist the court. They have filed separate affidavits and have taken a stand that Rules have been framed within the ambit of Section 22 of respective statutes which empower the Deputy Commissioner to direct the police authority to implement the order passed under the Act. Vide order dated May 02, 2017, Mr. Gautam Dutt, Advocate was appointed as amicus curiae to assist the court in light of question framed by this court. He has addressed the court today and submits that he had examined the Rules framed by all the three States. The mechanism which has been provided therein for execution of the orders would prove to be effective.

Petition is, thus disposed of. It is held that a senior citizen would be entitled to take recourse to mechanism provided under the Act/Rules. The Deputy Commissioner may issue necessary directions to the concerned police authority to implement its order. It is expected that police would immediately come into action and take steps to implement the order. A question however, remains whether a senior citizen would still be entitled to invoke writ/contempt jurisdiction of this court. Learned amicus curiae submits that such a jurisdiction would not be ousted in view of judgment

Territory, Chandigarh 2014(5) RCR (civil) 656. In view of settled position of law, the issue can be given quietus. Needless to observe that in normal circumstance in first instance, a senior citizen would exhaust the remedy available to him under the relevant Act/Rules. He shall, however, be not precluded to invoke the writ/contempt jurisdiction if any grievance still subsists. No further direction is necessary. Disposed of. Rule is discharged.

May 22, 2017
Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No