

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-10140-2017 (O&M).
Decided on: May 17, 2017.

Babloo @ Hari Chand and another

.. Petitioner(s)

VERSUS

Bachai Ram and another

.. Respondent(s)

* * *

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

* * *

**PRESENT Mr.D.D.Sharma, Advocate,
for the petitioners.**

M.M.S. BEDI, J. (ORAL)

Counsel for the petitioner submits that the petitioner has been wrongly ordered to be evicted by the District Magistrate U.T., Chandigarh, without considering the actual fact that petitioner had contributed in construction of the first floor when the premises in dispute was allotted to respondent No.1 under the rehabilitation scheme of Slum Dwellers.

I have learned counsel for the petitioner and gone through the impugned order and the stand taken by the petitioner in his statement before the Enquiry Officer. It was never the stand of the petitioner that he had contributed towards construction of the first floor, as such, he was entitled in his individual capacity to retain the possession.

Taking into consideration the objective and the spirit of the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, I do not find any ground to interfere in the impugned order but since the petitioner is staying along with his family and will require some reasonable time to vacate the premises, the petitioner can be granted some extension.

The petition is disposed of in limine granting him time to vacate the premises by 31.7.2017 subject to the following conditions:-

- (1) the petitioner will furnish an affidavit within 15 days before the District Magistrate, Chandigarh, that he

will hand over the vacant possession of the portion in his possession to respondent No.1 by 31.7.2017;

(2) the petitioner will not create any third party interests in the property;

(3) the petitioner will not commit any breach of peace during the period of his stay i.e. till 31.7.2017.

(4) In case respondent No.1 moves an application before the District Magistrate, Chandigarh, for mesne profits for use and occupation of the portion in possession of the petitioner, the said application would be allowed subject to payment of sum of Rs.10,000/- as compensation for use and occupation of the premises from the date of order of eviction till 31.7.2017.

In case of violation of any of the conditions, this order will be deemed to have been vacated entitling respondent No.1, to seek execution of the impugned order in accordance with law.

(M.M.S. BEDI)
JUDGE

May 17, 2017.
rka

Whether speaking / reasoned
Whether reportable:

Yes / No
Yes / No