

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

**CWP No.12202 of 2017  
Date of decision:02.06.2017**

Shakuntla Rani

... Petitioner

Vs.

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present:- Mr. Vikas Chatrath, Advocate  
for the petitioner.

Mr. Yatinder Sharma, Addl.A.G.Punjab.

Mr. Tushar Sharma, Advocate  
for respondent No.5.

**AMIT RAWAL J. (Oral)**

Mr. Tushar Sharma, Advocate has put in appearance on behalf of respondent No.5 and on instructions from his client, who is present in the Court has undertaken to open the locks which have been put on the premises used and occupied by the petitioner, who, in my view, is destitute mother.

Concededly, there are about 13 properties, few of them are owned by the petitioner and late Prem Chand Garg, husband of the petitioner and father of Rajesh Kumar and Yashpal. There is a married daughter, who oftenly visit her mother along with children. In view of the family settlement arrived at between the parties (Annexure P-2), which is handed over to the Court during the course of hearing, share in the properties has not been disputed by Mr. Tushar Sharma and most of the

properties are being jointly owned by Rajesh Kumar and Yashpal except properties No.4 and 5 which are exclusively owned by Rajesh Kumar and Yashpal. Though as per the family settlement, property in possession of the petitioner has fallen to the share of Yashpal, who is having an independent residential accommodation over first floor of property/shop shown at Serial No.2 of the site plan and living with his family.

The grievance as projected by Mr. Tushar Sharma is that property at Sr. No.8, the other brother has put the lock. It is on account of this aspect, respondent No.5 was constrained to put lock at Sr. No.7.

In view of the undertaking furnished by Mr. Tushar Sharma on instructions from his client, the writ petition is disposed of with a direction to respondent No.5 to remove the lock forthwith today and permit the petitioner to live in the premises shown at serial Nos. 3 to 5. It is pertinent to mention here that site plan shown by Mr. Tushar Sharma is in tandem to the one placed on record as Annexure P-1.

The State of Punjab has promulgated the Punjab Maintenance and Welfare of Parents and Senior Citizens Rules, 2012 and the District Social Security Officer has been assigned the role of Maintenance Officer. Even the Tribunal has also been constituted for redressal of the grievance of the senior citizens. Rule 22 empowers the District Magistrate to ensure that the life and liberty of the senior citizens of the District are protected so that they are able to live with security and dignity and in case of any violation of the provisions of the Rules, the District Magistrate has been empowered to protect the senior citizens from any danger to the life and property. Even

Action Plan as contemplated under Rule 23 has been promulgated and the District Magistrate has been empowered to enforce the orders with the assistance of the local police and in case, the District, having the Commissioner, has been assigned a task to take necessary steps particularly when the State Government declined to interfere in the same.

I am of the view that in case, at any point of time, the petitioner is apprehended threat to her life and property which she is enjoying during her life time, she is at liberty to move an appropriate application before the District Magistrate and on receipt of the same, the concerned District Magistrate shall ensure the enforcement of this order and provide her police assistance.

Respondent No.5 is also restrained from interfering into day-to-day affairs of the petitioner until and unless some medical exigency occurs.

In view of the aforementioned undertaking arrived at, the writ petition stands disposed of with the aforesaid directions.

(AMIT RAWAL)  
JUDGE

June 02, 2017  
savita

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|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |