

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

CWP No.13739 of 2017 (O&M)
Date of decision: July 03, 2017

Ramesh Bhatia

...Petitioner

Versus

Union Territory of Chandigarh & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Munish Behl, Advocate for the petitioner.

Rajan Gupta, J.

Present writ petition is directed against the order passed by District Magistrate, U.T. Chandigarh, whereby he has directed eviction of petitioner from the premises in question.

Tripta Devi Bhatia widow of Krishan Lal Bhatia filed application under section 21/22 of the Act seeking protection of her life and property as also to evict her son (petitioner herein) from the same. She stated that she had two sons and three daughters and she was living in a small house (House No.2017/2, Sector 37-C, Chandigarh. Two years prior to filing of application, her son Ramesh Bhatia i.e. petitioner quarrelled with her and threw her out of the house. Since then she had been living with her younger son at Zirakpur. Petitioner promised that he would vacate the house after marriage of his daughter, but he failed to do so. Even documents relating to the house had been retained by him. Left with no option, she approached the District Magistrate, Union Territory, Chandigarh

for evicting her son from the house. Upon notice, intimation came that the house was allotted in the name of Tripta Devi, the applicant. SHO of the area also drew a sketch of the house showing the portion which the petitioner occupied. Ramesh Bhatia also filed his reply. He submitted that he had been living in the house since 1985. He had two daughters and one son. His mother had left the house of her own will. He further submitted that house was merely a tenement on leasehold basis and lease money was being paid by him since the beginning. Having so many liabilities, he required at least four years time to vacate the house. District Magistrate thereafter entrusted the enquiry to Naib Tehsildar-cum-Executive Magistrate, U.T. Chandigarh. He submitted report dated 7.11.2016. After considering the report, the authority found that petitioner had been dilly dallying the issue of vacating the premises by making one excuse or the other. Besides, applicant namely, Tripta Devi was absolute owner of the property in question. She was entitled to live in the same in the last stages of her life. District Magistrate found that State was duty bound to ensure protection of life and property of the senior citizens. He, thus, directed to vacate the house within 30 days. SHO of the area was deputed to ensure compliance.

Keeping in view facts and circumstances of the case, I find no ground to interfere in the well reasoned order passed by the District Magistrate. In my considered view, the authority has acted in a manner as to achieve the objective and reasons of the special enactment. The order passed by it is upheld. The authority shall take immediate measures for executing the order passed by it. With these observations, this petition is

dismissed. A report be submitted by the Station House Officer, Sector 39, U.T. Chandigarh within two weeks from today whether order passed by the District Magistrate has been complied with or not.

(RAJAN GUPTA)
JUDGE

July 03, 2017
'Rajpal'

Whether speaking / reasoned	Yes / No
Whether Reportable:	Yes / No