

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

CWP No.17131 of 2017 (O&M)
Date of decision: December 12, 2017

Hari Chand

...Petitioner

Versus

District Collector Fazilka & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. A.K. Khunger, Advocate for the petitioner.

Ms. Lavanya Paul, AAG, Punjab.

Mr. Ramesh Sharma, Advocate for respondents No.2 to 6.

Rajan Gupta, J.(oral)

CM-17964-2017:

This is an application for placing on record reply on behalf of respondents No.2 to 6 and exemption from filing certified copies of Annexures attached with the reply. Application is allowed as prayed for. Reply as well as Annexures are taken on record. Registry to page mark the paper book accordingly.

CWP-17131-2017:

Petitioner, who is a senior citizen, has impugned order dated 16.03.2017 (Annexure P-12), passed by District Collector, Fazilka, whereby his application for handing him over possession of the premises in question has been rejected.

It has been urged before the court that the authority has not

taken into consideration various provisions of the special enactment, particularly Section 27 thereof. Plea of the petitioner has been rejected merely on the ground of pendency of the civil suit between the parties. He has placed reliance on judgment reported as ***Gurpreet Singh vs. State of Punjab and others, 2016 (1) RCR (Civil) 324.***

Counsel appearing for respondents, however, submit that the order does not suffer from any infirmity. According to him, a title suit between the petitioner and his sons is pending before the civil court at Abohar, wherein an interim order has also been passed.

This court does not intend to express any opinion on the merits of the case at this stage. It is, however, evident that the provisions of the special enactment need to be considered by the authority while deciding the application moved by the senior citizen under the Act. In view of same, impugned order is hereby set-aside. Matter is remitted to the same authority for decision afresh as per law, after affording opportunity of hearing to the parties. The authority shall be at liberty to consider the judgment in *Gurpreet Singh's case* (supra) and/or any other judgment, parties seek to place reliance upon.

Allowed in these terms.

(RAJAN GUPTA)
JUDGE

December 12, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No