

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

CWP No.17619 of 2017 (O&M)
Date of decision: August 11, 2017

Manmeet Kaur and another ...Petitioners

Versus

State of Haryana & others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Vineet Sehgal, Advocate for the petitioners.

Rajan Gupta, J.

Petitioners have impugned order passed by the District Magistrate, Panchkula, directing eviction of the petitioners from the premises in question.

Learned counsel for the petitioners has primarily urged before this court that order suffers from patent illegality. The Tribunal without affording opportunity to file specific reply, allowed the application filed by respondent No.5 on the instigation of respondent No.4, who is husband of petitioner No.1. Besides, an injunction had already been granted by the civil court in favour of petitioners. The authority conveniently ignored the same.

I have heard learned counsel for the petitioners and given careful thought to the facts of the case.

Applicant/respondent No.5 Virsa Singh Dhillon filed an application before the authority under the Maintenance and Welfare of

Parents and Senior Citizen Act against his son as well as petitioners stating that his son and daughter-in-law had been harassing him and his wife. He prayed that house in question be got vacated from the petitioners. After considering the entire issue and examining the documents, the authority found that son and daughter-in-law of applicant Virsa Singh Dhillon, wanted share in his property. It, thus, directed eviction of the petitioners along with Baldeep Dhillon from the house in question.

I find no infirmity with the order passed by the authority. The injunction order passed by the civil court would not have any bearing in the facts and circumstances of the case. The authority below has acted in accordance with the provisions of special enactment. The authority has directed eviction of occupants who are neither co-owners nor have any title over the property. I find no ground to interfere in the writ jurisdiction. Petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

August 11, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No