

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

CWP No.19394 of 2017 (O&M)
Date of decision: August 29, 2017

Jai Parkash and another

...Petitioners

Versus

Deputy Commissioner-cum-District
Magistrate, U.T. Chandigarh & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. H.P.S. Kochhar, Advocate for the petitioners.

Rajan Gupta, J.

Petitioners pose a challenge to order dated 20.07.2017, passed by authority under the Senior Citizen Act, whereby application of respondents No.2 and 3 (parents) was accepted and petitioners and respondents No.4 and 5 have been directed to vacate the house of applicants/respondents No.2 & 3 within 30 days.

Learned counsel for the petitioners has primarily urged before this court that order suffers from patent illegality. The Tribunal without affording opportunity of hearing to the petitioners, allowed the application filed by respondent No.2 & 3, who are their parents. According to him, the parents have not been harassed by the petitioners. Respondent No.2 also filed a civil suit for declaration against his sons to get the house vacated and later on suit was dismissed in default on 14.09.2016.

I have heard learned counsel for the petitioners and given careful

thought to the facts of the case.

Brief factual matrix of the case is that the applicants/respondents No.2 & 3, who are senior citizens within the meaning of the Act, preferred an application under Sections 21 and 22 of the Maintenance & Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as "the Act") against their three sons and a daughter-in-law, seeking their eviction from his house bearing No.1654, Ramdarbar, Phase-II, Chandigarh. The property is the self acquired property of respondent No.2. Petitioners were allowed to live in the house along with their children. However, they started making efforts to take possession of the entire house. They also started harassing their parents mentally and physically. Even police help had to be sought. After considering entire material on record, the District Magistrate came to the conclusion that applicants were entitled to the protection prayed for. He also found that petitioners and respondents No.4 and 5 were harassing their parents in their old age and their lives were in danger at the hands of their sons. He, thus, directed that they be evicted from the property within a period of 30 days from the date of receipt of order. Station House Officer, Police Station Sector 31, Chandigarh was also directed to ensure compliance of the order by getting the house vacated and to protect live and property of the applicants.

I find no infirmity with the order. While allowing the application of the parents, the District Magistrate directed the SHO to protect life, liberty and property of the applicants. It appears, same was necessitated in the peculiar circumstances of the case. The authority below has acted in accordance with the provisions of special enactment and with a

view to achieve objectives of the Act. There is no ground to interfere in the writ jurisdiction. Petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

August 29, 2017
'Rajpal'

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