

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

CWP No.20748 of 2017

Date of decision: September 13, 2017

Meenakshi

...Petitioner

Versus

District Magistrate, Gurugram & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Amit Jain, Advocate for the petitioner.

Rajan Gupta, J.

Petitioner has impugned order dated 15.06.2017 (Annexure P-3), passed by the District Magistrate, Gurugram, whereby a petition filed by respondent No.2, under Section 22 (2) of the Maintenance of Parents and Senior Citizens Act, 2007, has been allowed and petitioner has been directed to vacate House No.464, Sector 7, HUDA, Gurugram within one month.

Learned counsel for the petitioner has primarily urged before this court that order suffers from patent illegality. The Tribunal without affording opportunity of hearing to the petitioner, allowed the petition filed by respondent No.2, who is father-in-law of the petitioner. According to him, respondent No.2 had willingly given the portion of the house, wherein she along with her husband has been residing and thus, respondent No.2 is not entitled to get the house vacated. He further submits that petitioner filed a civil suit for injunction titled as Meenakshi Vs. Raj Singh, wherein interim injunction has been granted.

I have heard learned counsel for the petitioner and given careful

thought to the facts of the case.

It appears, respondent No.2 Raj Singh filed a petition under the Maintenance of Parents and Senior Citizens Rules, 2007, seeking eviction of petitioner from House No.464, Sector 7, HUDA, Gurugram, owned by him, stating that he is owner of House No.464, Sector 7, Gurugram. Petitioner, who is his daughter-in-law had made his life a hell. His son as well as daughter-in-law did not look after his welfare. Ultimately, Applicant/respondent No.2 filed an application before the authority under the Maintenance and Welfare of Parents and Senior Citizen Act against the petitioner and later on her husband namely, Rajender was also impleaded as respondent. After considering the entire issue and examining the documents, the authority ordered eviction of petitioner and her husband from the aforesaid house within one month from the date of order. It also observed that in case they fail to vacate the said house within the prescribed period, the house in dispute would be got vacated with the help of police.

I find no infirmity with the order passed by the authority. The proceedings of the civil court would not have any bearing on the facts and circumstances of the case. The authority below has acted in accordance with the provisions of special enactment. There is no ground to interfere in the writ jurisdiction. Petition is without any merit and is hereby dismissed.

September 13, 2017
'Rajpal'

(RAJAN GUPTA)
JUDGE

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No