

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

CWP No.2190 of 2017

Date of decision: September 13, 2017

Rajinder Singh

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Mohit Jaggi, Advocate for the petitioner.

Mr. Vikas Mohan Gupta, Addl. Advocate General, Punjab.

Mr. Gaurav Singla, Advocate for

Mr. Sanjiv Gupta, Advocate for respondent No.3.

Rajan Gupta, J.

Petitioner has impugned order dated 21.12.2016 (Annexure P-10), passed by District Magistrate, Patiala, whereby application filed by respondent No.3, under the Maintenance of Parents and Senior Citizens Act, has been allowed and petitioner has been directed to hand over possession of the house in question to respondent No.3 immediately.

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.3, who is grandfather of the petitioner. According to him, respondent No.3 had filed the application in order to harass him. Respondent No.3 had given the house measuring 111 sq. yards to the petitioner of his own free will. He submits that respondent No.3 also filed a civil suit for declaration and permanent injunction, which is still pending

adjudication.

Plea has been opposed by counsel appearing for respondent No.3. He submits that petitioner and his wife made life of respondent miserable. They did not allow him to live in his house. They even beat up their grand father on 17.02.2015 and turned him out of the house.

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

It appears, respondent No.3 Ram Chand filed application for taking possession of House No.459, Street No.8, New Bishan Nagar, Patiala from the petitioner under the provisions of Maintenance of Parents and Senior Citizens Act, stating that he is owner of the said house. Petitioner, who is his grand son, had physically and mentally harassed him. His son Karnail Singh had died in the year 1995. After his death, petitioner Rajinder Singh along with his son and daughter-in-law started residing in the aforesaid house as licensee of respondent No.3. Thereafter, they started harassing and torturing him and also turned him out of the house. They did not provide him food. Respondent No.3 also disowned them from his properties by way of publication in the news paper. Ultimately, Applicant/respondent No.3 filed application before the Authority under the Maintenance and Welfare of Parents and Senior Citizen Act against the petitioner. After considering the entire issue and examining the documents, the authority directed the petitioner to hand over possession of the house to respondent No.3 immediately and a copy of the order was also sent to Tehsildar, Patiala for necessary compliance.

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