

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

CWP No.21962 of 2017

Date of decision: September 26, 2017

Sunil Khanna @ Sunil Kumar Khanna

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. AGS Dhillon, Advocate for the petitioner.

Rajan Gupta, J.

Petitioner has impugned order dated 16.08.2017 (Annexure P-1), 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 and his wife have been directed to vacate the house in question within a month and hand over possession thereof to respondent No.3.

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 father of the petitioner. According to him, respondent No.3 had filed the application in order to harass him.

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

It appears, respondent No.3 Surinder Kumar Khanna, who is 81 years of age, filed application under the provisions of Maintenance of

Parents and Senior Citizens Act, stating that he is owner of House No.1152/2, Des Raj Market, Patiala. Petitioner, who is his son and a Lecturer in Government Senior Secondary School, along with his wife, had physically and mentally harassed him and occupied major portion of the house in question forcibly. They also threatened him to kill. He disowned them from his property by publication in the news paper "Dainik Jagran". A complaint was also made to the police but no action was taken by the police. 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 within a month and a copy of the order was sent to Tehsildar, Patiala for necessary compliance.

I find no infirmity with the order passed by the authority. 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 26, 2017
'Rajpal'

(RAJAN GUPTA)
JUDGE

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No