

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

CWP No.220 of 2017 (O&M) &
CM-7296-CWP-2017.
Date of decision: August 09, 2017

Sukhwinder Singh @ Sonu and others ...Petitioners

Versus

Deputy Commissioner-cum-District
Magistrate, Jalandhar and others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Harsh Chopra, Advocate for the petitioners.
Mr. M.S. Rana, Advocate for respondent No.3.

Rajan Gupta, J.

Petitioners have impugned order passed by the Deputy Commissioner-cum-District Magistrate, Jalandhar, 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 applicant/respondent No.3 was not 60 years of age at the time he moved the application, thus, not a senior citizen within the meaning of Section 2 (g) of the Act. Besides, an injunction had already been granted by the civil court in favour of petitioners. The authority conveniently ignored the same.

Prayer has been vehemently opposed by counsel for the respondent No.3. According to him, respondent No.3 is quite old and is exclusive owner of the property. He is being harassed by his son Sukhwinder and other petitioners. Their eviction has, thus, rightly been

directed.

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

Applicant/respondent No.3 Ram Singh filed an application before the authority stating that he was 61 years of age and had three sons namely, Sukhwinder Singh, Kuldeep Singh and Ravinder Singh. Two of his sons i.e. Sukhwinder Singh and Ravinder Singh along with their wives were harassing him. Due to the insults and physical torture he was subjected to, he had disinherited them from his movable and immovable assets. They had even dragged him in litigation before the civil court. He also apprehends danger to his life at the hands of petitioners. Matter was also reported to the police but to no avail. Ram Singh, thus, invoked jurisdiction of the authority under the Act. After considering the entire issue and examining the revenue record, it found that property situated in Khewat No.139, Khasra No.865/97 was ownership of Ram Singh son of Partap Singh. The plea of the petitioners that they were co-owners of the property, was rejected by the authority. It, thus, directed their eviction from the property in question. Earlier similar directions were issued by the Sub Divisional Magistrate, Jalandhar.

I find no infirmity with the orders passed by both the authorities. Plea of the petitioners that Ram Singh was not a senior citizen at the relevant time, is not supported by any document. In any case, eviction can be sought by a senior citizen/parent in terms of Notification No.0/20/2014-1DC/353259/1, dated 27.11.2014, issued by the Government of Punjab, Department of Social Security (Disability Cell), Chandigarh.

The injunction order passed by the civil court would not have any bearing in the facts and circumstances of the case. The authorities have acted in accordance with the provisions of special enactment. The authority has directed eviction of occupant who are neither co-owners nor have any title over the property. In view of the clear provisions of the Act, the judgments cited by both the sides need not be referred to. Petition is without any merit and is hereby dismissed.

CM-7296-CWP-2017:

Since the main writ petition has been dismissed on merits, this application for vacation of status quo order does not survive and same is also dismissed.

(RAJAN GUPTA)
JUDGE

August 09, 2017
'Rajpal'

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