

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.25666 of 2017

Date of decision:10.11.2017

Smt. Prem Lata Mahajan

...Petitioner

Versus

State of Haryana and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Johan Kumar, Advocate,
for the petitioner.

Rakesh Kumar Jain, J. (Oral)

This petition is filed by a senior citizen aggrieved against the orders of the Tribunal and the Appellate Tribunal, by which her application filed under Section 22 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as the "Act") has been dismissed.

Counsel for the petitioner has fairly submitted that the application was filed by the petitioner only to seek eviction of the respondents from her house bearing No.2919-A, Sector-3, Faridabad.

In my considered opinion, the Tribunal does not have the jurisdiction to entertain the application under Section 22(2) of the Act as the power is vested with the Deputy Commissioner in terms of the provisions of the Action Plan, which is prepared by the State of Haryana in terms of Rule 24 of the Maintenance and Welfare of Parents and Senior Citizens Rules, 2009.

Consequently, the entire proceedings initiated at the instance of the petitioner before the Tribunal are nonest. However, the petitioner may, if so advised, file an appropriate application under Section 22(2) of the Act before the Deputy Commissioner, Faridabad, who has the power to take cognizance and to pass an order of eviction in terms of the Action Plan.

With these observations, the present petition is hereby disposed of.

November 10, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned : Yes/No
Whether reportable : Yes/No