

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

CWP No.26524 of 2017

Date of decision: November 21, 2017

Jarnail Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. S.S. Sarwara, Advocate for the petitioners.

Rajan Gupta, J.

Petitioners seek quashing of the order dated 06.06.2017, passed by the District Magistrate, Patiala, whereby he has directed their eviction from the property in question.

It has been urged before the court that the order is arbitrary in nature. The District Magistrate has not considered the controversy in right perspective. Petitioners respect their father and also contribute to family expenditure. Besides, petitioners have no place to live. Thus, District Magistrate has erred in directing their eviction.

On due consideration of the matter, I am not convinced with the plea. The applicant Om Parkash, who is more than 77 years old, filed the petition before the authority stating that he was subjected to physical and mental harassment by his son and daughter-in-law. He has disowned them by publication in news paper on 29.01.2017. It appears, the authority found that respondent No.3 Om Parkash was an old man of more than 77 years.

Due to his physical condition, he is not in a position to earn his livelihood. He, thus, needs premises, of which he is undisputed owner, for his personal use.

Keeping in view that life and property of the senior citizen needed to be protected, the District Magistrate ordered for eviction of the petitioners. There is no legal infirmity with the order. Thus, no case for interference in writ jurisdiction is made out. Petition is without any merit and is hereby dismissed. The authority shall be at liberty to execute the order forthwith and deliver the possession to Om Parkash.

(RAJAN GUPTA)
JUDGE

November 21, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No