

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CWP No.6880 of 2015 (O&M)
Date of decision: August 28, 2017

Dilip Kumar Kansal & another ...Petitioners

Versus

District Magistrate, U.T. Chandigarh & another ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Ramesh Chand Sharma, Advocate for the petitioners.
Ms. Kanta Kumari, respondent No.2 in person.

Rajan Gupta, J.

Petitioners have impugned order dated 27.3.2015 (Annexure P-6), passed by the District Magistrate, U.T. Chandigarh, whereby in a petition filed by respondent No.2, under Sections 21 and 22 of the Maintenance of Parents and Senior Citizens Act, 2007, petitioners have been directed to vacate the room of ground floor and hand over possession thereof to respondent No.2.

Learned counsel for the petitioners has primarily urged before this court that order suffers from patent illegality. The Tribunal without affording opportunity of hearing to the petitioners, allowed the application filed by respondent No.2, who is mother of petitioner No.1. According to him, petitioner No.1 has become owner of 1/3rd share in House No.3219, Sector 37-D, Chandigarh in view of judgment and decree dated 20.11.2014, passed by the civil court at Chandigarh, therefore, petitioners cannot be directed to vacate the room in question. Moreover, the respondent No2 is also getting rent of the

house situated at Panchkula owned by the parties.

Plea has been refuted by respondent No.2, who has appeared in person. According to her the authority has rightly directed the petitioners to clear front courtyard, unlock the gate and vacate side room on the ground floor.

I have heard learned counsel for the petitioners and respondent No.2 in person and given careful thought to the facts of the case.

It appears, respondent No.2, who is 73 years of age, filed application under Sections 21 and 22 of the Maintenance of Parents and Senior Citizens Rules, 2007 seeking protection of life and property from the petitioners, stating that she was residing with her younger son Sandeep Gupta and his wife. Petitioners along with their two children also reside in the same house No.3219, Sector 37-D, Chandigarh at first floor. Her younger son got married in the year 2008. Thereafter, mother was subjected to harassment, even physically tortured. Several times complaints were also made to the police. Petitioners shifted AC from first floor to the room on ground floor and respondent No.2 kept on paying the electricity bill. Ultimately, Applicant/respondent No.2 filed an application before the authority under the Maintenance and Welfare of Parents and Senior Citizen Act against the petitioners. After considering the entire issue and examining the documents, the authority directed the petitioners to clear front courtyard immediately, unlock the front left side gate and clear the passage also. They were further directed to vacate front side room on the ground floor. The petitioner No.1 was also directed to repay back the electricity charges of the front side room w.e.f. 31.01.1998 till date.

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 and with a view to achieve objectives of the Act. There is no ground to interfere in the writ jurisdiction. Petition is without any merit and is hereby dismissed.

August 28, 2017
'Rajpal'

(RAJAN GUPTA)
JUDGE

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