

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No. 29335 of 2017
Date of Decision: 21.12.2017**

RAMESHWARI DEVI

..... Petitioner

V/s.

UNION TERRITORY OF CHANDIGARH AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.

Present: Mr. J.S. Jaidka, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (Oral)

The petitioner, who is a senior citizen, has prayed for the issuance of a writ in the nature of certiorari for quashing the order dated 22.09.2016 vide which the application filed by her under Sections 22 and 23 of the Maintenance & Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as 'the Act') has been rejected.

The petitioner had earlier filed similar application also for seeking eviction of her son Vinod Kumar, from the first floor of House No. 2634, Sector 40-C, Chandigarh. The said application was dismissed by the then District Magistrate, U.T., Chandigarh vide order dated 22.12.2014 on the ground that the first floor of the house in question is owned by her other son, Sudhir Chandra, on the basis of the will of his father and the application under Section 22 of the Act can be maintained only if the parent/senior citizen is the owner. Since, it has already been held that the petitioner is not the owner of the first floor, therefore, the application filed by the petitioner was rightly dismissed by the impugned order dated 22.09.2016.

In view of the above, I do not find any merit in the present petition and the same is hereby dismissed, though without any order as to costs.

December 21, 2017

Ess Kay

(RAKESH KUMAR JAIN)
JUDGE

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