

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

CWP No.8598 of 2017 (O&M)
Date of decision: July 17, 2017

Jasvir Singh and others ...Petitioners

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Lalit Pathak, Advocate for the petitioners.

Rajan Gupta, J.

Petitioners have prayed for a writ in the nature of certiorari for quashing order Annexure P-4, passed by District Magistrate, Patiala, whereby he has directed the petitioner to hand over possession of the house to respondents No.3 and 4, they being illegal occupants.

It has been contended before the court that order suffers from patent illegality. Learned counsel referred to the Jamabandi to show that land was mutated in favour of Provincial Government, thus, authorities had erred in invoking the provisions of the Act and ordering their eviction.

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

Applicant, who is about 80 years of age, along with his wife Surjit Kaur, submitted an application before the Sub Divisional Magistrate, Nabha seeking eviction of the petitioners. They stated that they had no source of income and their son and daughter-in-law did not provide any

financial assistance to them. Due to this, they were leading a miserable life. The authority issued notice of the application to the petitioners. They filed reply and submitted that their father Hardev Singh was a habitual complainant. He already had Rs.14,000/- in his account. Besides, petitioner Jasvir Singh has to look after his wife and three children. Thus, he was not liable to pay any maintenance. After considering rival pleas, the authority found that applicants had no source of income. It directed respondent Jasvir Singh to pay Rs.1500/- per month to his parents as maintenance. Thereafter, respondents No.3 & 4 filed a complaint against petitioners as well as police authorities to provide security to their lives and direct official respondents to get the house vacated from the petitioners. Objections to the same were filed by the petitioners, wherein they refuted the claim of the private respondents on the ground that property was in ownership of Provincial Government, thus, respondents No.3 & 4 could not seek their eviction. They also relied upon a decree passed by the civil court, Nabha on 3.5.1989. The District Magistrate, however, found that the applicants were very old and entitled to invoke the provisions of the Senior Citizen Act. Placing reliance upon judgment of this court in *Gurpreet Singh Vs. State of Punjab and others*, CWP No.24508 of 2015, decided on 1.12.2015, he held that District Magistrate is the competent authority for protection of life and liberty of a citizen and jurisdiction of civil court was barred. Thus, summary exercise could be undertaken. He directed that petitioners being illegal occupants of the house, be evicted forthwith. Aggrieved, present petition has been filed. Similar contentions as raised before the authorities below have been reiterated. However, I find no substance in the same. In

my considered view, the District Magistrate has rightly directed the petitioners to be evicted from the property. It needs to be noticed that instead of looking after their parents in the old age, petitioners have even gone to the extent of disputing the title of their father over the property. Their greed has driven them to such a situation where they have no qualms in harassing their parents, who are more than 80 years of age. There is no ground to interfere. Petition is hereby dismissed. Senior Superintendent of Police, Patiala to ensure that respondents No.3 & 4 are put in exclusive possession of the property within two weeks from today and petitioners are evicted from the same. A report be submitted to this court within two weeks thereafter.

(RAJAN GUPTA)
JUDGE

July 17, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No