

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

CWP No.12227 of 2018

Date of decision: May 15, 2018

Krishna Kumari and another

...Petitioners

Versus

Deputy Commissioner-cum-District
Magistrate, Amritsar-II & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Dilpreet Singh Gandhi, Advocate for the petitioners.

Rajan Gupta, J.

Petitioners pose a challenge to order dated 11.07.2017, passed by District Magistrate, Amritsar-II, whereby application under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007, filed by respondent No.2 has been accepted and petitioners have been directed to vacate the house in question within 30 days from the date of order. The authority also observed that in case petitioners did not comply with the direction, the house would be got vacated through police help.

Learned counsel for the petitioners has urged before this court that the order suffers from patent illegality. Thus, same deserves to be set-aside.

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

Brief factual matrix of the case is that respondent No.2 Manohar Lal, father of petitioners, who is senior citizen, filed an application under the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 against the petitioners, seeking their eviction from the

house situated in Ganda Singh Nagar, Amritsar, stating therein that he has four sons and two daughters. His sons Jugal Kishora, Ramesh and daughter Krishna were allowed to live in the house in question. However, after some time, they started harassing and abusing respondent No.2. As per provisions of the Act, report was called from the Sub Divisional Magistrate, Amritsar, who submitted in his report that harassment was being meted out to respondent No.2. After considering entire material on record, the District Magistrate allowed the application filed by respondent No.2 and directed the petitioners to vacate the said house within thirty days.

I find no infirmity with the order. In judgment reported as ***Gurpreet Singh vs. State of Punjab and others, 2016 (1) R.C.R. (Civil) 324***, a Division Bench of this court held as under:-

“12. The petitioner is a licensee living in the premises on the basis of concession given by his father to live in the property owned by him. As a licensee, the petitioner is only permitted to enjoy the possession of the property licensed but without creating any interest in the property. A licence stands terminated the moment the licensor conveys a notice of termination of a licence. There is no vested right of any kind in the licensee to remain in possession of the property licensed. Admittedly, respondent No.4 is the owner of the property in question. The petitioner is living in part of the property. Such property owned by respondent No.4 is required to be protected as mandated by Section 22 of the Act read with Rule 23 of the Rules and para 1 of the Action Plan. There cannot be any effective protection of property of the senior citizens unless the District Magistrate has the power to put the senior citizen into possession of the property and/or to restrain or eject the person who wishes to interfere in the possession of the property of the senior citizen. Protection of the property of a senior citizen includes all incidences,

rights and obligations in respect of property in question. Once a senior citizen makes a complaint to District Magistrate against his son to vacate the premises of which the son is a licensee, such summary procedure will ensure for the benefit of the senior citizen. The petitioner would have no right to resist his eviction only on the ground that the Act does not contemplate eviction of an occupant. Eviction is one part of the right to protect the property of a senior citizen which right could be exercised by a senior citizen in terms of provisions of the statute, Rules framed and the Action Plan notified.”

In view of above, I am of the considered view that the pleas raised before this court are without any merit. Same are hereby rejected. Petition is hereby dismissed.

May 15, 2018
'Rajpal'

(RAJAN GUPTA)
JUDGE

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No