

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

CWP No. 1283 of 2018

Date of Decision: November 19, 2018

Hardev Singh and another

....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. Rakesh Gupta, Advocate
for the petitioners.

Mr.Manish Dadwal, AAG, Haryana.

Rajan Gupta, J (Oral)

Petitioners have impugned the order dated 7.11.2017 passed
by Deputy Commissioner, Ambala. Operative part thereof reads as under:-

“After hearing both the parties and perusal of record brought on case file, this court has come to the conclusion that the land in dispute is situated within abadi of village. Both the parties are putting their claim regarding ownership of said property. But earlier, father was in possession of said land, only then his son came in its possession. Hence this court is agreed with the report submitted by the Sub Divisional Officer (Civil), Ambala Cantt and a direction is issued to respondents under Section 22(2) of Maintenance & Welfare of Parents and Senior Citizens Act, 2007 and Rule 24 of the Haryana Maintenance of Parents and Senior Citizens Rules, 2009 that they may vacate the house in dispute within a period of 30 days and deliver its possession to the plaintiff. If the respondents failed to comply with the order within stipulated period, in that event, a direction is issued to the Sub Divisional Officer (Civil), Ambala Cantt with a direction that he may get vacated the house in dispute with Police assistance according to notification dated 25.5.2016 issued by Haryana Government and deliver its possession to the applicant. A copy of this order is being sent to the Sub Divisional Officer (Civil), Ambala Cantt with a direction that he may get pasted a copy of this order at outer gate of house in dispute and one copy of

the same may also be got pasted at public place. Case file be consigned to record after due compliance. Order pronounced.”

It is contended inter-alia that Deputy Commissioner, Ambala directed eviction of the petitioners on the basis of ambiguous report submitted by Sub Divisional Officer (Civil), Ambala Cantt. No clear finding regarding title of the said property has been given. Besides, order is non-speaking and cryptic in nature. It is, thus, prayed that matter be remitted to the same authority for decision afresh as per law. This prayer is not opposed by counsel representing the respondents.

In view of above, impugned order is set-aside. Matter is remitted to the same authority for decision afresh as per law after affording opportunity of hearing to the parties. The authority shall endeavour to decide the case within 3 months.

(Rajan Gupta)
Judge

November 19, 2018

BB

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No