

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-13984-2018 (O & M)

Date of decision: 01.11.2018

Rajeev Diwan and anr.

.... Petitioners

V/s

Deputy Commissioner, SAS Nagar and ors.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Mandeep K. Dhot, Advocate, Advocate, for the petitioners.

Mr. P.S. Bajwa, Addl.A.G., Punjab.

Mr. Kanwaljit Singh, Sr. Advocate,
with Mr. Ashish Soi, Advocate,
for respondent No.3.

RAJAN GUPTA, J. (Oral)

Petitioners have impugned the orders dated 07.12.2017, 01.02.2018 and 09.05.2018, Annexures P-2 to P-4 respectively. Order dated 07.12.2017 is passed by Additional Deputy Commissioner (General)-cum-Collector-respondent No.2, exercising its powers under Section 22 of the Maintenance and Welfare of Parents & Senior Citizens Act, 2007. It has been urged before the court that aforesaid order suffers from infirmity as pleas of the petitioners have not been taken into consideration.

Mr. Kanwaljit Singh, learned Senior counsel for respondent No.3, has opposed the prayer. According to him, it was found that respondent No.3 was the owner of the house in question. The authority under the Act has rightly directed the petitioners to vacate the premises.

I have heard learned counsel for the parties and gave a careful thought to the facts of the case. It appears that the petition for eviction of the petitioners was filed by respondent No.3 before the competent authority. It

was alleged that petitioners had been making false complaints against the family members of respondent No.3 and also started harassing them.

After the authority took cognizance of the matter, it sought a report from SDM, Kharar, as regards ownership of the property. A report was submitted. According to which, Kedarnath-respondent No.3 was the exclusive owner thereof and the petitioners were to be evicted from the house in question. Petitioners, however, filed an application before the Additional District Magistrate for modification of the order dated 07.12.2017 with the contention that eviction could have been ordered only from the ground floor of the property which was in occupation of the petitioners. This application was allowed and necessary amendment was made. Admittedly, by now, the petitioners have already been evicted from the property in question.

This court finds no legal infirmity with the orders passed and petition is, thus, without any merit and is hereby dismissed.

November 01, 2018
sukhpreet

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No