

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

CWP No.27956 of 2017

Date of decision: April , 2018

Jagmohan Singh

...Petitioner

Versus

The State of Punjab & others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA**

Present: Mr. Kunal Vinayak, Advocate for the petitioner.

Mr. Harsimran Singh Sethi, Addl. Advocate General, Punjab.

**Rajan Gupta, J.**

Petitioner poses a challenge to order dated 27.07.2017, passed by District Magistrate, Amritsar, whereby application under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007, filed by respondent No.4 has been accepted and petitioner has been directed to vacate the house in question within 30 days from the date of order.

Learned counsel for the petitioner has urged before this court that the order suffers from patent illegality. Thus, same deserves to be set-aside. He has relied upon judgment of this court in *Inder Harpreet Singh and others Vs. The District Magistrate, Estate Office, Patiala and others, CWP No.21834 of 2016, decided on November 07, 2017.*

Plea has been opposed by the State counsel. According to him, petitioner has been harassing and maltreating his mother, who is senior citizen within the meaning of the Act. Thus, the authority below has rightly directed the petitioner to hand over vacant possession of the house to respondent No.4.

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

Brief factual matrix of the case is that mother of petitioner i.e. respondent No.4 Harbans Kaur, who is senior citizen, filed a petition under the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 against the petitioner for his eviction from House No.188, Janta Colony, Maqbool Road, Amritsar. Vide order dated 27.07.2017, the District Magistrate, Amritsar directed petitioner to vacate the said house. Aggrieved, petitioner has filed instant writ petition.

A perusal of record shows that husband of respondent No.4 has already expired. She alleges that petitioner does not look after her. The petitioner is stated to have forcibly occupied house of his mother i.e. respondent No.4 and had been pressing her to transfer the same in his favour. As and when she entreated that house be vacated, he beat her up. The authority below appointed Naib Tehsildar, Amritsar to inspect the house, who submitted his report stating that petitioner was in illegal occupation of a part of the house and there remained a dispute between the parties in this regard.

I find no infirmity with the order. The judgment in *Inder Harpreet Singh's case (supra)* is not applicable to the facts of the instant case. 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 dismissed.

**(RAJAN GUPTA)**  
**JUDGE**

April , 2018  
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No