

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

1.

CWP No.5722 of 2017
Date of Decision:06.08.2018

Vimaljit Singh

..... Petitioner

Vs.

District Magistrate, SAS Nagar, Mohali and others

..... Respondents

2.

CWP No.6917 of 2017

Vimaljit Singh

..... Petitioner

Vs.

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Ms.Priyanka Sud, Advocate,
for the petitioner.

Ms.Sunint Kaur, AAG, Punjab.

Mr.Vivek Sharma, Advocate,
for respondent No.3.

RAKESH KUMAR JAIN, J.

This order shall dispose of 2 petitions bearing CWP No.5722 of 2017 [for short 'the 1st petition'] and CWP No.6917 of 2017 [for short 'the 2nd petition'], both filed by Vimaljit Singh. The 1st petition is directed against the order dated 30.11.2016 passed by the Additional District Magistrate, SAS Nagar, Mohali, dismissing the application filed by the petitioner under Section 22 of the Maintenance and Welfare of Parents and

Senior Citizens Act, 2007 [for short 'the Act'] and in the 2nd petition, prayer has been made to direct the official respondents to protect the life and liberty of the petitioner which has allegedly been threatened by his daughter-in-law Manpreet Kaur and her relatives.

The brief facts of the case are that the petitioner, a senior citizen of 64 years age, is married to Bhupinder Kaur and has two children, namely, Kanwerdeep Singh (son) and Deepkiran (daughter). He is allegedly the owner of House No.1676, Phase VII, Mohali. His son Kanwerdeep is married to Manpreet Kaur and has a girl child Aanya. According to the petitioner his daughter-in-law is harassing him and had even registered FIR No.35 dated 12.4.2016 under Sections 454, 380, 447 & 511 at Police Station, SAS Nagar, Mataur, Mohali against all the members of his family and his son is also living separately from her. He has also allegedly issued a public notice dated 1.1.2016 in "The Tribune" of disinheriting his son and respondent No.3. The petitioner filed an application under Section 22 of the Act to the Additional District Magistrate, SAS Nagar, Mohali in which he arrayed his daughter-in-law as respondent and his son as perma respondent. The second petition is filed by the petitioner, narrating the same facts, for seeking protection to his life and liberty.

Learned counsel for the petitioner has submitted that the learned Additional District Magistrate has committed a patent error of law in dismissing the application despite the fact that the petitioner being a senior citizen has a right to seek eviction of respondent No.3 (daughter-in-law) in view of the provisions of Section 22(2) of the Act read with Rule 23 of the Punjab Maintenance and Welfare of Parents and Senior Citizens Rules, 2012 [for short 'the Rules'] and the provisions of the Action Plan notified under

the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Punjab) [for short 'the Action Plan'].

Learned counsel for the petitioner has further submitted that the daughter-in-law has no right in the house of the father-in-law/mother-in-law, who lodged a complaint against them and caused harassment. In support of her submissions, she has relied upon a decision of this Court rendered in the case of ***"Feroz and another Vs. The District Magistrate, U.T., Chandigarh and another"*** 2017 (2) HLR 468. It is also submitted that the house exclusively belongs to the father-in-law and the daughter-in-law has no right to live in the said house if her husband is living separately because the said property cannot be a shared household. In this regard, she has relied upon a decision of this Court rendered in the case of ***"Suman Vs. Tulsi Ram"*** 2015(1) RCR (Civil) 304. She has also relied upon a decision of this Court rendered in the case of ***"Rakesh Kumar Sood Vs. The District Magistrate-cum-Deputy Commissioner, Ludhiana and others"*** 2017(2) RCR (Civil) 119 to contend that if there is a discord between husband and wife and the husband has started living separately in a rented house then the wife is not entitled to live in the house of the in-laws in the absence of her husband. She has further relied upon a decision of this Court in the case of ***"Balbir Kaur Vs. Presiding Officer-cum-S.D.M. of the Maintenance & Welfare of Senior Citizen Tribunal, Pehowa, District Kurukshetra and others"*** 2015 (3) PLR 688 to contend that if the daughter-in-law has forcibly entered in the house of her in-laws, her in-laws are entitled to evict her by filing application under Section 22 of the Act. Reliance has also been placed upon a decision of this Court rendered in the case of ***Sangeeta Vs. Om Parksh Balyan and another"*** 2015(3) RCR (Civil) 495 to contend that if the wife is

living separately along with her husband, then after the death of her husband, she cannot claim right to live in the house of the parents of her husband against their wishes. It has also contended that right to residence in a shared household can only be appreciated if the house belongs to or taken on rent by husband or the house belong to the joint family to which husband is a member but the shared household would not mean that wherever the husband and wife lived together in the past, the same would become their shared household. She has further relied upon a decision of this Court rendered in *“Darshan Singh and others Vs. State of Punjab and others”* 2017(1) RCR (Civil) 849 to contend that the son and his family would be permitted to live in the residential house, owed by father only till he wants them to live but only as licensees. In this regard other judgments are relied upon rendered in the case of *“Hamina Kang Vs. District Magistrate (U.T.), Chandigarh and others”* 2016(2) PLR 138 and *“S.R. Batra and another Vs. Smt. Taruna Batra”* 2007(1) RCR (Criminal) 403 which deal with the provisions of the Protection of Women from Domestic Violence Act, 2005.

On the other hand, learned counsel for respondent No.3 has submitted that the application filed under Section 22 of the Act is an abuse of the process of law at the instance of the petitioner, who in the name of a senior citizen is trying to dispossess his daughter-in-law by impleading her as respondent and his son as performa respondent. Meaning thereby, he is not seeking eviction of his son from his premises otherwise he would have also impleaded his son as a contesting respondent. It is also submitted that even when the writ petition was filed, the petitioner had impleaded only his daughter-in-law as a respondent because he was interested only in her eviction. Respondent No.3 ultimately had to file CM No.4745 of 2018 under

Order 1 Rule 10 of the Code of Civil Procedure, 1908 [for short 'the CPC'] for impleading her husband as respondent No.4. The application was allowed on 28.3.2018 and the husband of respondent No.3, namely, Kanwerdeep Singh has impleaded as a party and notice was issued to him for 23.4.2018 by *dasti* summons. As per the office report dated 19.4.2018, *dasti* notice issued to the newly added respondent No.4 was not received back served or otherwise. On 23.4.2018, the case was adjourned for 10.7.2018 and on 5.7.2018, the office had reported that *dasti* notice issued to respondent No.4 for the previous date has been received back with the report of the Process Server that the respondent has been informed on telephone regarding the next date of hearing i.e. 23.4.2018, however, he refused to take the notice. It is submitted that respondent No.4, husband of respondent No.3, did not appear in this Court despite notice from which it is evident that both the petitioner and his son Kanwerdeep Singh have joined hands in order to oust respondent No.3 from the house in question by taking advantage of the provisions of the Act, Rules and the Action Plan. It is further submitted that respondent No.4 is living with his parents. It is also submitted that respondent No.3 has placed on record an order passed by the Additional District Magistrate dated 3.01.2018 with CM No.5903 of 2018 which was allowed on 23.4.2018. It is further submitted that the order dated 3.1.2018 is passed on an application filed by the petitioner only against his daughter-in-law Manpreet Kaur for seeking her eviction but the said application was dismissed with a strong observation that both the father and son have joined hands because of a matrimonial discord of his son with his wife to throw her out by filing this kind of application.

Learned counsel for respondent No.3 has further submitted that even the application filed under Section 22 of the Act read with Rules and Action Plan is not by itself maintainable against the daughter-in-law alone if her husband is alive and in this regard he has relied upon three decisions of this Court rendered in the cases of *“Ranjit Kaur Vs. State of Haryana and others”* 2018 (1) RCR (Civil) 784, *“Ram Saroop Walia Vs. State of Haryana and others”* 2018(1) PLR 64 and *“Amar Chand Sharma and another Vs. Presiding Officer-cum-District Magistrate-cum-Chairman and others”* 2017(4) PLR 639.

I have heard learned counsel for the parties and perused the record of the 1st petition.

Before I opine about the validity of the impugned order, it would be relevant to refer to the provisions of the Act, Rules and Action Plan for the purpose of understanding as to whether the application filed by the petitioner against his daughter-in-law would be maintainable?

As the name suggests the Act deals with the Maintenance and Welfare of the Senior Citizens. “Senior citizen” is defined under Section 2(h) of the Act which means any person being a citizen of India, who has attained the age of sixty years or above. “Parent” is defined in Section 2(d) of the Act which means father or mother whether biological, adoptive or step father or step mother, as the case may be, whether or not the father or the mother is a senior citizen. “Maintenance” is defined in Section 2(b) of the Act which includes provision for food, clothing, residence and medical attendance and treatment and “Welfare” is defined in Section 2(k) of the Act which means provision for food, health care, recreation centres and other amenities necessary for the senior citizens.

Chapter II of the Act deals with the maintenance of parents and senior citizens. The parents and senior citizen can claim maintenance from the Children and relative. “Children” is defined in Section 2(a) of the Act which includes son, daughter, grandson and grand-daughter but does not include a minor and the “relative” is defined in Section 2(g) of the Act which means any legal heir of the childless senior citizen who is not a minor and is in possession of or would inherit his property after his death. “Minor” is defined in Section 2(c) of the Act which means a person who, under the provisions of the Majority Act, 1875, is deemed not to have attained the age of majority, “property” is defined in Section 2(f) of the Act which means property of any kind, whether movable or immovable, ancestral or self acquired, tangible or intangible and includes rights or interests in such property and the “Tribunal” is defined in Section 2(j) of the Act which means the Maintenance Tribunal constituted under section 7. Chapter III & IV of the Act deals with the welfare of senior citizens. Chapter III of the Act contain Section 19 of the Act which deals with the establishment of oldage homes and Chapter IV of the Act contains Section 20 of the Act which deals with the medical support for senior citizens. Chapter V of the Act deals with the protection of life and property of senior citizen which contains Sections 21 to 23 of the Act. Section 21 of the Act deals with the measures for publicity, awareness, etc. for welfare of senior citizens. Section 22 of the Act deals with the authorities, who may be specified for implementing the provisions of this Act in which Section 22(2) of the Act says that the State Government shall prescribe a comprehensive action plan for providing protection of life and property of senior citizens. Section 23 of the Act

pertains to the right of the senior citizen to seek annulment of a document of transfer if the transferee is not providing the basic physical needs.

Since this Court is concerned with the order of eviction having been passed against respondent No.3, therefore, it would be relevant to refer to Section 22(2) of the Act only under which the application has been filed by the petitioner.

Rules have been provided in terms of Section 32 of the Act to carry out the purpose of the Act in which Rule 23 of the Rules deals with the Action Plan for the protection of life and property of senior citizens which says that *“an action plan, for protection of life and property of senior citizens shall be notified by the State Government within a period of six months from the date of publication of these rules in the Official Gazette and it may be revised from time to time”*. The Action Plan was notified on 27.11.2014 by the Department of Social Security (Disability Cell) and was published in the Punjab Government Gazette, Part-I on 13.3.2015 in terms of Rule 23 of the Rules. The Action Plan is also divided into two parts. The 1st part of the Action Plan, which contains Clause 1 to 3, deals with the procedure to be followed/adopted by the District Magistrate for passing any order regarding the eviction of an unauthorized occupant from the property of a senior citizen/parent. Whereas Clause 4 of the Action Plan deals with the actions related to Police Department in regard to the protection of the life and liberty of the senior citizens/parent.

The 1st petition is in regard to the eviction of respondent No.3 from the house of the petitioner for which the power is vested with the District Magistrate and the 2nd petition is in regard to the provision of police protection for which the power is vested with the Senior Superintendent of

Police. The entire Action Plan is reproduced hereunder for a ready reference:

***“ACTION PLAN UNDER THE
MAINTENANCE AND WELFARE OF
PARENTS AND SENIOR CITIZENS ACT,
2007, (56 OF 2007) (PUNJAB)***

*Vide Notification No.10/20/2014-
IDC/353259/1 dated 27.11.2014 issued by the
Department of Social Security (Disability Cell)
published in the Punjab Government Gazette,
Part I, March 13, 2015 (PHGN 22, 1936
SAKA).*

*In exercise fo the powers conferred under
Section 22(1) & (2) of “The Maintenance and
Welfare of Parents and Senior Citizens Act,
2007”, (56 of 2007) and as prescribed by Rule
23 of “The Punjab Maintenance and Welfare of
Parents and Senior Citizen Rules 2012”, the
Punjab Government is pleased to make the
following Action Plan.*

*1. This Action plan shall come into
force from the date of its issuance.*

*1. Procedure for eviction from
property/residential buildings of Senior
Citizens/parent:*

*(i) Complaints received (as per
provisions of the Maintenance of
Parents and Senior Citizens Act,
2007) regarding life and property
of Senior Citizens by different
Department/Agencies i.e. Social
security, Sub Divisional
Magistrate, Police Department,*

NGOs/Social Worker, Helpline for Senior Citizens and District Magistrate himself; shall be forwarded to the District Magistrate of the concerned district for further action.

- (ii) The District Magistrate shall immediately forward such complaints/applications to the concerned Sub Divisional Magistrates for verification of the title of the property and facts of the case through revenue department/concerned Tehsildars within 15 days from the date of receipt of such complaint/application.*
- (iii) The Sub Divisional Magistrate shall submit its report to the District Magistrate for final orders within 21 days from the date of receipt of the complaint/application.*
- (iv) If the District Magistrate is of opinion that any son or daughter or legal heir of a senior citizens/parents are in unauthorized occupation of any property as defined in the Maintenance and Welfare of parents and Senior Citizens act 2007, and that they should be evicted, the District Magistrate shall issue in the manner hereinafter provided, a notice in*

writing calling upon all persons concerned to show cause as to why an order of eviction should not be issued against them/him/her.

(v) *The Notice shall:-*

a) Specify the ground on which the order of eviction is proposed to be made; and

b) Require all persons concerned, that is to say, all persons who are, or may be, in occupation of, or claim interest in the property/premises, to show cause, if any, against the proposed order on or before such date as is specified in the notice, being a date not earlier than ten days from the date of issue thereof.

c) The District Magistrate shall cause the notice to be served by having it affixed on the outer door or at some other conspicuous part of the public premises and in such other manner as may be prescribed, whereupon the notice shall be deemed to have been duly given/served to all persons concerned.

2. Eviction Order from property/residential building of Senior Citizens/Parents;

(i) If, after considering the cause, if any, shown by any persons in pursuance to the notice and any

evidence he/she may produce in support of the same and after giving him/her a reasonable opportunity of being heard, the District Magistrate is satisfied that the property/premises are in unauthorized occupation, the District Magistrate or other officer duly authorized may make an order of eviction, for reasons to be recorded therein, directing that the property/residential building shall be vacated, on such date, not later than 45 days from the date of receipt of such order, as may be specified in that order, by all persons who may be in occupation thereof, and cause a copy of the order to be affixed on the outer door or some other conspicuous part of the public premises;

(ii) The District Magistrate may also associate NGOs/Voluntary organizations/social workers working for the welfare of senior citizens for the enforcement of order;

3. Enforcement of Orders:

(i) If any person refuses or fails to comply with the order of eviction within thirty days from the date of its issue, the District Magistrate if or any other officer duly authorized by the District Magistrate if or any other officer

duly authorized by the District Magistrate in this behalf may evict that person from the premises in Question and take possession.

(ii) The District Magistrate shall have powers to enforce the eviction orders with Police help.

(iii) The District Magistrate will further handover the property/premises in question to the concerned Senior Citizens/Parents;

(iv) The District Magistrate, shall forward monthly repost of such cases to the Director, Social Security Department, Punjab by 7th of the following month for review of such cases in the State Council for Senior Citizens constituted under “The Maintenance and Welfare of Parents and Senior Citizens Act, 2007” and Rules of 2012 framed under the said Act under the Chairmanship of the Principal Secretary, Social Security Department, Punjab.

4. Actions Related to Police Department.

1. The Senior Superintendent of Police of each district and in case of district having a Commissionerate system, such police commissioner will take all necessary steps subject to such guidelines as the state government

may issue from time to time, for the protection of life and property of senior citizens (as defined in the Act) in the state.

2. *Each police station will maintain an up to date list of senior citizens living within its jurisdiction, especially those who are living by themselves (i.e. Without there being any member in the households who not a senior citizens) as format enclosed Annexure-I. This register will be updated every 3 months.*
3. *A representative of the police station along with (as far as possible) a social worker or volunteer, will visit such senior citizens at regular intervals and should remain accessible at the time of distress as in emergency cases on receipt of a request for assistance.*
4. *Complaints/problem of senior citizens will be promptly attended by the local police.*
5. *One or more volunteers committee(s) will be formed for each police station which will ensure regular contact between the senior citizens, especially those living by themselves, on the one hand and the police and the district administration on the other.*

6. *The Commissioner of Police/Senior Superintendent of Police will give wide publicity in the media and through the police station, of the steps being taken for the protection of life and property of senior citizens. This will be in addition to publicity to be given by public relations department and district administration.*
7. *Crime against senior citizens should be attended to promptly. Each Police station will maintain two registers, one containing all important particulars relating to offences committed against senior citizens, particularly those concerned with their safety (format enclosed as Annexure-II) and the other with their complaints/grievances (other than crime) (format enclosed as Annexure-III) and efforts should be need to get these redressed from appropriate authorities through Deputy Commissioner at the earliest.*
8. *The register referred to in clause (7) will be kept available for public inspection, and every officer (Police, Judicial or Executive Magistrate) inspecting a police station will invariably review the status as reflected in the register.*

9. *All police stations will maintain new register titled “Visits to Senior Citizens Register” for monitoring the visit of beat staff to the senior citizens. This register would be maintained beat wise i.e. one register for every beat and while making the door-to-door visit the beat official would obtain the signature of the senior citizens as a token of acknowledgement of their visit. The senior citizen register would be maintained as per the Performa enclosed as Annexure-IV. A monthly report regarding the visits to senior citizens by the beat staff will be sent by Police Station to the CP/SSP through in charge Community Relations Unit (CRU), who will compile the reports and put up to the Inspector General of Police, (HR) for perusal as per below Performa (format enclosed as Annexure-V).*
10. *List of Do’s and Don’ts as prepared by concerned Commissioner of Police/Senior Superintendent of Police to be followed by senior citizens in the interest of their safety and will be widely publicized (safety protocols to be followed).*
11. *Antecedents of domestic servants and others working for senior*

citizens shall be promptly verified, on the request of such citizens. Senior citizens will be responsible to give information about domestic servants, tenants and landlords.

- 12. Community policing and activating system of the beat constables along with adequate patrolling will be undertaken in consultation with citizens living in the locality. Efforts should be made to rope in volunteers, members of civil society, resident welfare associations NGO,s etc.*
- 13. The police station will send a monthly report of (a) crimes against senior citizens and (b) grievances of senior citizens to the Commissioner of Police/Senior Superintendent of Police, as the case may, by the 10th of every month on the same format, in which two registers are maintained. In addition, it will send a summary statement on investigation and trial of cases of crime against senior citizens in prescribed format. (Format enclosed as Annexure-VI and Annexure-VII).*
- 14. The Police Commissioner/Senior Superintendent of Police shall submit to the Director General of Police, Punjab and the District Magistrate a monthly report by the*

20th of every month, about the nature/status of crimes against senior citizens.

- 15. The Director General of Police, Punjab will cause the reports submitted under clause 13 to be complied, once a quarter, and submit the same to the Principal Secretary (Home) with a copy to Director, Social Security every quarter as well as every year for, inter alia, being placed before the State Council of Senior Citizens constituted under Rule 24 by Director, Social Security.*
- 16. Interactive sessions/programs will be carried out in order to redress their grievances especially in the presence of Residence welfare Associations (RWAs) and other members of the family.*
- 17. Punjab Police has also provided toll free senior citizens help line 181 in order to provide a quick and responsive access to the senior citizens. The multiple modes of contact for this helpline include, dial 181 from phone, SMS at 7696-181-181, Fax No. 0172-6626181, E-mailhelp@181pph.com and Portal www.181pph.com, when calling from abroad 0091-172-2298543. The toll free no 181 is being manned round the clock. On*

receipt of telephone calls requiring assistance, the PCR operator would send the nearest PCR vehicle to the senior citizens. When immediate help is required, the operator would also inform the concerned police station for sending police officials. Whenever the matter relates to other department, the concerned department would be informed for taking appropriate action.

- 18. The State Government has launched an 'Integrated Police Helpline' for multi-mode policing for Women, Children, Senior Citizens and NRIs on 23rd Aug., 2013. The Inspector General of Police (NRI Affairs) is in charge of NRI wing and will act as nodal authority at state level for this helpline.*
- 19. Several initiatives have been taken to interact with senior citizens and pay special attention to the security of their life and property. Advisory Committee was constituted in each police station for institutionalizing police public interaction which should be continued.*
- 20. A Community Relation Unit will be set up at District Police headquarters to monitor the neighbourhood watch scheme,*

effectiveness of police-public interactions, door-to-door visit by beat staff, special measures taken for the senior citizens, redressal of public grievances etc.

21. *The Inspector General of Police, Human Right Cell will act as Nodal Police officer at State level and will monitor all the progress/work done under this Act.*
22. *A list of senior citizens (as per Annexure-I) maintained in each police station will be sent to the CP/SSP through in charge Community Relation Unit. CP/SSP will nominate a Superintendent of Police rank officer as district nodal officer, who will maintain consolidated record of senior citizens.”*

In regard to the 1st petition, as per the procedure prescribed, on a complaint filed to or received by the District Magistrate himself, he would forward it to the Sub Divisional Magistrate for verification of the title of the property which is a *sine qua non* for maintaining the application of the senior citizen/parent. 15 days time has been prescribed for the District Magistrate to react for the purpose of obtaining the report. The Sub Divisional Magistrate has to then submit his report to the District Magistrate within 21 days after the receipt of the application/complaint by him from the office of the District Magistrate. Thereafter, if the District Magistrate forms an opinion that any son, daughter or legal heir of the senior citizen/parent is in

to be evicted then the District Magistrate would issue a notice in writing to such person to *show cause* as to why an order of eviction should not be passed against him. Thereafter if the District Magistrate is satisfied, on the basis of the evidence brought before him, that the premises is in unauthorised occupation, then for the reasons to be recorded by him, direction would be issued for vacation of the said premises on such date but not later than 45 days from the date of receipt of the order. Then there is a provision of enforcement of the order of the District Magistrate.

From the perusal of the record, one thing is clear that it is a dispute between a senior citizen/petitioner/father-in-law with his daughter-in-law, who is arrayed as respondent No.3. It is evident from the fact that the application under Section 22 of the Act was filed by the petitioner by impleading the daughter-in-law as respondent and his son as a perfunctory respondent. It is also evident from the facts that even the subsequent application, on the same facts, filed by the petitioner, was only against his daughter-in-law and not against his son which was dismissed by the District Magistrate vide his order dated 3.1.2018 and the said decision has been taken on record by an order of this Court passed in CM No.5903 of 2018 on 23.4.2018. It can also be gathered from the facts that the petitioner did not implead his son as a respondent in the writ petition when it was initially filed. It was respondent No.3, who had filed CM No.4745 of 2015 under Order 1 Rule 10 of the CPC for impleading her husband as respondent No.4. The said application was allowed on 28.3.2018 and notice was issued to respondent No.4 on the same date for 23.4.2018 by giving *dasti* summons to the petitioner but service was not effected. Thereafter, the case was adjourned but the report was that respondent No.4 has refused to take the

notice. All these facts would show that respondent No.4, husband of respondent No.3, is not only hiding from the Court but also standing behind his father and watching the proceedings.

Learned counsel for the petitioner has referred to many decisions of this Court to contend that the daughter-in-law has no right to live in the house of the father-in-law but all these decisions are not applicable at all to the facts and circumstances of this case because both father and son are conniving with each other for seeking eviction of respondent No.3, who is also having a small girl child, from the house in question by using the provisions of Section 22 of the Act, Rules and the Action Plan in which it is categorically provided that the District Magistrate shall have the power only to dispossess a son, daughter or legal heir. The Act does not define son, daughter or legal heir rather it defined only children and relative but according to Section 8 of the Hindu Succession Act, 1956, if a husband is alive, the daughter-in-law would not fall within the definition of legal heir either in Class 1 or Class II of the Schedule. In this regard, the judgments relied upon by learned counsel for respondent No.3 in the cases of *Ranjit Kaur (Supra)*, *Ram Saroop Walia (Supra)* and *Amar Chand Sharma and another (Supra)* would come to the rescue of respondent No.3 and for this Court to form an opinion that the application filed by the petitioner under Section 22 of the Act was not maintainable because the petitioner has only tried to evict his daughter-in-law from the house in dispute.

Thus, I am of the considered opinion that there is no error in the impugned order passed in the 1st petition and therefore, the same is hereby dismissed.

Insofar as the 2nd petition is concerned, the detailed reply has been filed by Alam Vijay Singh, Deputy Superintendent of Police, City-1, SAS Nagar, Mohali on behalf of respondent No.1 & 3 arrayed therein. The relevant paragraphs of the reply are reproduced hereunder: -

“2. That the petitioner has mainly filed the instant writ petition for issuance of a writ of mandamus directing the respondents to protect life, liberty and property of the petitioner, in order to safeguard his human dignity, as it is the duty of the State to take all necessary steps in order to safeguard the fundamental rights of its citizens like the Petitioner-herein.

3. That, on 18.5.2017, during the course of hearing of the instant writ petition, the Hon’ble Court issued direction to the District Magistrate to ensure that life and property of the petitioner is protected and the petitioner is able to live with the sense of security and dignity. The operative part of the order dated 18.5.2016 is reproduced as under:-

“This is a petition filed by a senior citizen for a direction to the official respondents to protect life and liberty of the property of the petitioner.

Learned State counsel seeks time to file reply.

For reply and arguments, adjourned to 02.08.2017.

Meanwhile, interim direction is issued that the District Magistrate would be required to exercise his powers under Section 22 of the Maintenance and Welfare of Parents and Senior Citizens

Act, 2007 to ensure that life and property of the petitioner is protected and the petitioner is able to live with the sense of security and dignity. If any assistance of the Senior Superintendent of Police is required, it will be open to the District Magistrate to seek the implementation through the intervention of the Senior Superintendent of Police of the area.

Sd/-M.M.S.BEDI

18.5.2017

Judge ”

4. That on the receipt of the copy of the above order, the District Magistrate, Sahibjada Ajit Singh Nagar, Mohali, wrote a letter dated 30.5.2017 to Senior Superintendent of Police, SAS Nagar, Mohali, Punjab with a direction to protect the life and liberty of the petitioner and his wife.

5. That on the receipt of the above letter, the Senior Superintendent of Police, SAS, Nagar, Mohali, Punjab, marked the same to the D.S.P., S.A.S. Nagar, Mohali, who issued directions to the concerned S.H.O, Matour, for compliance and report, on 6.6.2017.

6. That, the S.H.O. Matour, marked the enquiry to Avtar Singh, S.I, Police Station Matour, with a direction to conduct the investigation and report. Accordingly, Avtar Singh, S.I, conducted the investigation. During the investigation, the petitioner made a statement on 24.07.2017 that in compliance to the directions issued by the Hon'ble High

Court, the security/protection is being provided to him as and when he came to his House No. 1676 Phase 7, Mohali. A true translated copy of the statement dated 24.7.2017 is annexed herewith as Annexure R-1.”

The statement of the petitioner, which is taken on 24.7.2017, is also reproduced as under: -

Statement of Vimaljit Singh son of Mahinder Singh resident of #1676 Phase 7 SAS Nagar, (Mohali) age about 65 years.

Stated that I am a resident of above Address and presently I am residing with my wife at #398 LB Enclave Sector 49-A Chandigarh since July 2016 and my son Kwardeep Singh is also residing separately in a rented house. I have filed CWP-6917-2017 regarding protection before Hon'ble Punjab and Haryana High Court Chandigarh. As per the order dated 15-05-2017 passed by the Hon'ble Punjab and Haryana High Court Chandigarh, the protection has been provided to me by Senior Superintendent of Police SAS Nagar. As and when I come to my House No.1676 Phase 7 Mohali with my family then security is being provided to me and my family time to time. I have got recorded my statement before you, which is read over and heard and is correct.

*Sd/-
Complainant
9781751676*

*Sd/-
Avtar Singh
Police Station Matour
Dated 24.07.2017”*

Thus in view thereof, nothing survives in the 2nd petition as well and the same is also hereby dismissed as infructuous.

A photocopy of this order be placed on the file of connected case.

06.08.2018
Vivek

(RAKESH KUMAR JAIN)
=
JUDGE

Whether speaking /reasoned : *Yes/No*
Whether Reportable : *Yes/No*