

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.6234 of 2017
Date of decision: 10.7.2018

Sandeep

...Petitioner

Versus

Sub Divisional Magistrate-cum-Tribunal and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr.Amardeep S.Gill, Advocate for the petitioner.

Mr.Ish Puneet Singh, Advocate for respondent No.2.

Rakesh Kumar Jain, J.

The petitioner has challenged the order passed by the Sub Divisional Magistrate-cum-Tribunal under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 (for short 'the Act') Jalandhar by which he has been ordered to be evicted from House No.1109, Urban Estate, Phase II, Garha, Jalandhar and from commercial complex measuring about 22.5 ft. x 42 ft. situated at Lohar Nangal Colony, 66' Road, near Curo mall, Jalandhar.

Learned counsel for the petitioner has submitted that the order passed by the Tribunal is patently erroneous and without jurisdiction because firstly, the application for eviction under Section 23 of the Act is not maintainable and secondly, the jurisdiction to pass an order of eviction vests only with District Magistrate and not with the SDM much less the Tribunal which is constituted under Section 7 of the Act.

Learned counsel for the respondents has failed to support the

order of the Tribunal on the issue of jurisdiction as it is evident that the order

for eviction can be passed only in terms of Section 22 of the Act read with relevant rules and action plan as per which the District Magistrate has been empowered to pass an order of eviction on an application filed by senior citizen/parent to seek eviction of his son/daughter or legal heir on account of his/her maltreatment by him/her/them.

Consequently, keeping in view the aforesaid mandate of law, the present petition is allowed and impugned order dated 20.2.2017 passed by the Tribunal in regard to the eviction of the petitioner is set aside.

10.7. 2018
Meenu

(Rakesh Kumar Jain)
Judge

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