

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

CWP No.8374 of 2017 (O&M)
Date of decision: October 16, 2018

Pritam Singh

...Petitioner

Versus

Deputy Commissioner and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sanjeev Sharma, Advocate for the petitioner.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab.

Ms. Nimrata Shergil, Advocate for the respondents No.2 & 3.

Rajan Gupta, J.(oral)

Petitioner has impugned order dated 10.11.2016, passed by Additional Deputy Commissioner, exercising powers of authority under the Act. Operative part of the order is reproduced below:-

“Therefore, keeping in view the aforesaid situation, it has been found to be a case for eviction of his son and daughter-in-law from his house by Shri Pritam Singh son of Narata Singh, resident of Sakrulapur, Tehsil Kharar as Senior Citizen under Senior Citizen Act, 2007 and notification no.10/20/2014-DC/353259/1 dated 27.11.2014. From the report submitted by Sub Divisional Magistrate in this regard and the common statement given by respectable persons of the village, it is apparent that the complainant is living in the lower portion of the house and Jaswinder Singh is living in the upper portion of the house. Jaswinder Singh has taken a separate connection for water and electricity. The complaint given to the police department regarding Eucalypts trees has already been settled in the presence of Panchayat. In addition to this, Jaswinder Singh and his wife have never picked up any quarrel in their neighbourhood. Therefore, this complaint is not proved on the basis of facts. Therefore, parties are directed to maintain status quo.”

It has been urged before the court that direction to maintain status-quo was beyond the ambit of powers vested in the authority under the provisions of the Act. Besides, neither there is any reference to the relevant provisions nor the judgments relevant for decision of an application under the Act. Matter may, thus, be remitted to the same authority for decision afresh.

Prayer has been opposed by the counsel appearing for private respondents.

However, this court finds substance in the plea raised by the petitioner. It is apparent that while disposing of the main petition, the authority has merely directed the parties to maintain status quo. It appears, it has not taken a final decision on merits. This apart, the order is non-speaking and cryptic in nature. Same is hereby set-aside. Matter is remitted to the same authority for decision afresh after hearing both the parties.

Allowed in these terms.

(RAJAN GUPTA)
JUDGE

October 16, 2018
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No