

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-6382-2018 (O & M)

Date of decision: 11.12.2018

Ramkala

.... Petitioner(s)

V/s

District Magistrate-cum-District Collector, Sirsa, District Sirsa and anr.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. P.S. Jammu, Advocate, for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

Mr. Satbir Gill, Advocate, for respondent No.2.

RAJAN GUPTA, J. (Oral)

Petitioner has impugned order dated 09.02.2018, Annexure P-3, passed by the authority under the Maintenance and Welfare of the Parents and Senior Citizen Act (for short 'the Act'). It has been inter alia contended that proceedings could not have been initiated against daughter in law. Section 2-A of the Act has been referred to wherein daughter-in-law and minor children do not figure. According to the counsel for the petitioner, this aspect has been overlooked by the authority. Even otherwise, order cannot be said to be strictly within the ambit of the provisions of the Act. He, thus, prays that the matter be remitted to the same authority for a decision afresh.

This prayer is not opposed by the State counsel. However, counsel for respondent No.2 has opposed the prayer. According to him, the authority has rightly directed the eviction of the petitioner from the premises in question.

This court does not intend to express any opinion on the merits of the case. However, keeping in view the contention made by learned counsel for the petitioner as regards applicability of the Act, this court deems it fit to set aside the impugned order and remit it to the same authority for a decision afresh after affording an opportunity of hearing to the parties.

Allowed in these terms.

December 11, 2018
sukhpreet

(RAJAN GUPTA)
JUDGE

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