

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

CWP No.7898 of 2018 (O&M)
Date of decision: December 20, 2018

Mandip Kaur ...Petitioner

Versus

State of Punjab & others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. S.S. Sarwara, Advocate for the petitioner.
Mr. Sahil Sharma, DAG, Punjab.
Ms. Avin Kaur, Advocate for respondent No.3.

Rajan Gupta, J.

Petitioner poses a challenge to orders dated 07.11.2017 and 16.02.2018, passed by Additional Deputy Commissioner (J)-cum-Collector, SAS Nagar, whereby application under the provisions of Maintenance and Welfare of Parents and Senior Citizen Act, 2007, filed by Jeet Singh (respondent No.3 herein), has been accepted and petitioner, her husband etc. have been directed to vacate the house in question with immediate effect.

Learned counsel for the petitioner has urged before this court that the order suffers from patent illegality. Thus, same deserves to be set-aside. According to him, civil suit filed by the petitioner before the civil court regarding the property in question is still pending.

Plea has been opposed by counsel appearing for respondent No.3.

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 Jeet Singh Thekedar,

who is senior citizen being about 84 years of age, filed an application under the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 against his sons and daughters-in-law, seeking their eviction from his house, bearing No.121, Ward No.17, Santemajra M.C. Kharar, District SAS Nagar, Mohali, stating therein that petitioner was not having cordial relations with her husband, who had been residing abroad. Petitioner also filed a false case against him and other family members. In fact, his sons and daughters-in-law wanted to get rid of him and pressurized him to transfer his properties in their favour. They also caused injuries to their father (respondent No.3 herein). After considering entire material on record, and obtaining report from the Sub Divisional Officer, Kharar, the District Magistrate, vide order dated 7.11.2017 directed petitioner and her brother not to interfere in the life of respondent No.3 in any manner. It was directed that keys of the house would remain with both the parties. Thereafter, respondent No.3 again moved a complaint before the authority that petitioner had not handed over keys of the house to him and sought her eviction therefrom. The authority vide order dated 16.02.2018 accepted his application and directed petitioner to vacate the house without any delay.

I find no infirmity with the order. 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 hereby dismissed.

December 20, 2018
'Rajpal'

Whether speaking / reasoned

Whether Reportable:

(RAJAN GUPTA)
JUDGE

Yes / No

Yes / No