

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

CWP No.7931 of 2018
Date of Decision:24.04.2018

Krishan Verma

..... Petitioner

Vs.

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Ravidner Malik (Ravi), Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is directed against the order dated 02.01.2018 passed by the District Magistrate, Faridabad on an application filed by the petitioner under Section 22(2) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 [for short 'the Act'] on the ground that he, being a senior citizen, is being harassed by the private respondents who are in unauthorized possession over his property. The said application has been dismissed.

Learned counsel for the petitioner has submitted that the District Magistrate has erred in dismissing the application because the petitioner is a senior citizen and the respondents are in unauthorized possession.

I have heard learned counsel for the petitioner and after perusing the record, am of the considered opinion that there is no force in his argument because an application filed under Section 22(2) of the Act read

with relevant rules and action plan issued by the State of Haryana vide notification dated 26.5.2015 the District Magistrate as a *persona designata* can pass the order only against the son, daughter or heirs of a senior citizen if they are in unauthorized possession but such application cannot be filed against the stranger. Admittedly, the petitioner has already filed a suit which is already pending. Therefore, the petitioner has to choose one remedy at a time and cannot be allowed to indulge in forum shopping. With these observations, I am of the considered opinion that there is no merit in this petition and as such the same is hereby dismissed.

24.04.2018*Vivek***(RAKESH KUMAR JAIN)
JUDGE***Whether speaking /reasoned : Yes/No**Whether Reportable : Yes/No*