

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

CWP No.8058 of 2018

Date of decision: December 11, 2018

Navjot Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. D.S. Malwai, Advocate for the petitioner.
Mr. P.S. Bajwa, Addl. Advocate General, Punjab.
Mr. Gurpreet Singh, Advocate for respondents No.3 & 4.

Rajan Gupta, J.

Petitioners pose a challenge to order dated 29.01.2018, passed by Addl. District Magistrate, Khanna, whereby application under the provisions of Maintenance and Welfare of Parents and Senior Citizen Act, 2007, filed by Satya Kaur (respondent No.3 herein), has been accepted and petitioner and her husband i.e. respondent No.4 have been directed to vacate the house in question within a period of one month from the date of order.

Learned counsel for the petitioner has urged before this court that the order suffers from patent illegality. Thus, same deserves to be set-aside.

Plea has been opposed by counsel appearing for respondents No.3 and 4.

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 respondent No.3 Satya

Kaur, who is senior citizen, filed an application under the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 against the petitioner and her husband Sukhwant Singh, seeking their eviction from her house situated in village Shankar, Ramdasia Mohalla, Ludhiana, stating therein that petitioner, who is her daughter-in-law, and his son Sukhwant Singh have been misbehaving, maltreating and harassing her. Petitioner gave threat to her to commit suicide and implicate the whole family in false case. Report of Sub Divisional Magistrate, Ludhiana (East) was sought, who reported that respondent No.3 filed CWP No.22877 of 2017 before this court to get the house vacated. Vide order dated 25.10.2017, this court directed to get the said house vacated. To comply with the order of this court, Naib Tehsildar, Dehlon was directed to inspect the spot, who reported that Satya Kaur, Budh Dass, Sukhwant Singh and Navjot Kaur had been living in the house in question. After considering entire material on record, the Addl. District Magistrate allowed the application filed by respondent No.3 and directed the petitioner and her husband to vacate the said house within a period of one month from the date of order.

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 11, 2018
'Rajpal'

(RAJAN GUPTA)
JUDGE

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No