

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

**CWP-2548-2019 (O&M)
Date of Decision:30.01.2019**

Ram Charan

... Petitioner

Versus

Deputy Commissioner/District Magistrate & others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Vikrant Rana, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J. (ORAL)

As per pleadings on record, the petitioner herein had filed a petition/application under Section 22(2) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 as also under the action plan dated 26.05.2015 published under Rule 24 of the Haryana Maintenance of Parents and Senior Citizens Rules, 2009 seeking eviction of his son and daughter-in-law from a residential house i.e. H.No.2119/3, Rajeev Nagar, Gurugram which was stated to be owned by the petitioner.

Apparently, an eviction order dated 18.01.2018 was passed by the District Magistrate, Gurugram in pursuance to the petition filed by the petitioner. Since the premises in question was not being vacated, petitioner filed an execution petition on 19.04.2018 (Annexure P-2) before the District Magistrate, Gurugram and the following order came to be passed on 19.04.2018 itself:

*“To
The Tehsildar,
Gurugram,*

In reference of above cited case, the respondents were ordered to vacate the premises of the residential house No.2119/3, Rajeev Nagar, Gurugram owned by the petitioner Sh. Ram Charan s/o Sh. Guru Prasad vide order dated 18.01.2018 within 30 days from the date of above said order passed by this court. But the respondents have failed to vacate the premises of the above said house within the prescribed period.

You are, therefore, directed to get the premises of the above said house vacated from the respondents and handover the possession of the same to the plaintiff with the help of Police. You are also directed to contact the concerned SHO for taking Police help and sent the compliance report to this court at the earliest.

However, this order is subject to stay order, if any, granted by any court of law, as stay orders are to be honored & complied with.

Enclosed:- Copy of order dated 18.01.2018.

Dated:-19.04.2018

*District Magistrate,
Gurugram.
Dated: 30.04.2018.”*

No.5559-60/P.B.

It is the categoric submission made by counsel that no appeal or writ petition had been filed by the private respondents against the order of eviction dated 18.01.2018 passed by the District Magistrate, Gurugram and inspite thereof the orders have not been executed.

Counsel submits that even a legal notice dated 10.12.2018 (Annexure P-3) has been got issued and he would be satisfied if the instant petition was to be disposed of with a direction to the concerned authorities to take necessary steps towards execution and implementation of the eviction order dated 18.01.2018 passed by the District Magistrate, Gurugram.

Prayer made by counsel is found be just and reasonable.

As such, without even going into the merits of the case, the instant writ petition is disposed of with a direction to respondent Nos.1, 2 and 3 to look into the matter against the backdrop of a legal notice dated 10.12.2018 (Annexure P-3) and thereafter to take steps as deemed fit and mandated in accordance with law.

Disposed of.

30.01.2019

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |