

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

CWP No.13426 of 2019  
Date of decision:-20.05.2019

Nageena Singh

....Petitioner

versus

District Magistrate, Amritsar and others

...Respondent

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

Present:- Mr.S.K, Arya, Advocate for the petitioner.

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**TEJINDER SINGH DHINDSA, J.(ORAL)**

Challenge in the instant writ petition is to the order dated 24.07.2018 passed by the District Magistrate, Amritsar (Annexure P-6), whereby an application under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as 'the Act') filed by respondent No.2 has been accepted and the petitioner has been directed to vacate the premises in question within a period of one month from the date of the order.

Petitioner herein is the grand-son of respondent No.2.

Counsel for the petitioner has argued that the impugned order is patently illegal. It is urged that the allegations raised by the grand-father against the petitioner of harassment and abusive behaviour are false and fabricated. Further argued that the application under the Act was moved by respondent No.2 with an oblique motive and only to throw out the family of his deceased son namely Jasbir Singh i.e. father of the petitioner and who had died in the year 2013. Counsel submits that the impugned order would

cause grave hardship to the petitioner as he alongwith wife would now have to seek accommodation else where.

Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that the instant petition is bereft of merit and deserves to be dismissed.

Placed on record and appended at Annexure P-4 is the application that the respondent No.2 had filed under the provisions of the Act seeking eviction of certain family members including the grand-son/petitioner herein. In the application, it was categorically averred that the applicant/respondent No.2 Joginder Singh was aged about 86 years. It was asserted that his grand-son/present petitioner after the death of his father namely Jasbir Singh forcibly turned out the applicant from one room of his house by giving him beatings and in connivance with other family members of his in-laws. Applicant stated that out of compulsion and under such state of affairs, he is being forced to live with his other son namely Lakhbir Singh. Further stand taken in the application is that after having being put into possession of the premises in question, the grand-son/petitioner has refused to take care of him in any manner and neither any money is being paid to cater to his personal expenses.

Perusal of the impugned order would reveal that a report of the Sub Divisional Magistrate-Amritsar-II had been called for and the same had been submitted duly verifying that as per revenue record, the premises in question was found to be under the ownership of the applicant/respondent No.2 herein.

It is by now well settled that if the property is owned by the senior citizen/parents and who are being harassed mentally/physically, the said senior citizen/parent may file an application before the District Magistrate under the provisions of the Act for the purpose of seeking eviction. This is precisely what has been done in the present case.

A Division Bench of this Court in ***Gurpreet Singh Vs. State of Punjab & others, 2016 (1) RCR (Civil) 324*** had 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.”*

The dictum laid down in **Gurpreet Singh's case (supra)** would virtually negate the challenge raised by the petitioner to the impugned order dated 24.07.2018 (Annexure P-6).

No merit.

Dismissed.

**(TEJINDER SINGH DHINDSA)**  
**JUDGE**

20.05.2019

*rakesh*

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No