

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CIVIL WRIT PETITION NO. 16647 OF 2019

DATE OF DECISION: JULY 01, 2019

Harjit SinghPetitioner

Versus

State of Punjab and othersRespondents

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

Present: Mr.Farid Singh Virk, Advocate for the petitioner.

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TEJINDER SINGH DHINDSA, J.

The instant writ petition is directed against the order dated 29.3.2019, Annexure P6, passed by the Additional District Magistrate, Khanna and in terms of which an application moved by respondent No.4 under the provisions of the Maintenance and Welfare of the Parents and Senior Citizen Act, 2007 (hereinafter to be referred as the '2007 Act') has been allowed and the petitioner herein has been directed to be evicted from the premises in question.

2. Respondent No.4 herein is a senior citizen and father of the petitioner.

3. Learned counsel representing the petitioner would contend that the father could not have sought eviction under the provisions of 2007 Act. Furthermore, the petitioner himself had contributed substantial funds for construction of the house in question. Yet another argument raised by counsel is that the allegations by the father as regards ill-treatment and abusive

behaviour are completely false and unsubstantiated. Further contends that the Additional District Magistrate, Khanna while passing the impugned order of eviction dated 29.3.2019 has overlooked a vital aspect that the petitioner is earning merely Rs.7,000/- per month, whereas the father is getting pension of Rs.30,000/- per month, having retired from the post of Driver in the year 2011 from the SDM's office, Samrala.

4. Having heard learned counsel for the petitioner at length, this Court is of the considered view that there is no infirmity in the impugned order dated 29.3.2019, Annexure P6, and the writ petition deserves to be dismissed.

5. Perusal of the impugned order would reveal that a report had been sought for and furnished by the SDM/Patwari and as per such report, the ownership of the disputed property was reflected to be in favour of the father/private respondent. The applicant/respondent No.4 in his application had categorically averred that in the year 1989, he had purchased the property and upon retirement in the year 2011 he had demolished the house and thereafter re-constructed the same by spending Rs.10 lakhs. It was further asserted that the present petitioner was permitted to stay in the premises on the assurance that the father would be provided meals etc. The senior citizen further asserted that his son i.e. the present petitioner, the daughter-in-law as also the grand-son are trying to forcibly throw him out of the house and are also giving threats to kill him.

6. It is by now well settled that if the property is owned by the senior citizen/parents, who are being harassed mentally/

physically, the said senior citizen/parents may file an application before the District Magistrate under the provisions of the 2007 Act for the purpose of seeking eviction. This is precisely what has been done in the present case.

7. A Division Bench of this Court in **Gurpreet Singh v. State of Punjab and others**, 2016(1) RCR (Civil) 324 had held as under:

“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."

8. The dictum laid down in **Gurpreet Singh's** case (supra) would virtually negate the challenge raised by the petitioner to the impugned order dated 29.3.2019 at Annexure P6.

9. No merit.

10. Dismissed.

JULY 01, 2019
SRM

(TEJINDER SINGH DHINDSA)
JUDGE

Note:	<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
	<i>Whether Reportable:</i>	<i>Yes/No</i>