

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

**CWP No.20676 of 2019
Date of Decision : 11.09.2019**

Balbir Singh

....Petitioner

Versus

The Deputy Commissioner-cum-District
Magistrate and others

...Respondents

CORAM : HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present : Mr.R.S.Budhwar, Advocate
for the petitioner.

Mr.Siddharth Sanwaria, DAG, Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

Since advance copy of the writ paper-book had already been served, learned State counsel has filed in Court today a response by way of affidavit of the Deputy Superintendent of Police, Bilaspur (Yamuna Nagar) along with Annexure R-2. The same is taken on record and a copy has been furnished to the counsel for the petitioner.

Petitioner, who is a senior citizen, is essentially aggrieved of the non-implementation of an order dated 31.05.2018 (Annexure P-2) that had been issued by the District Magistrate under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 directing eviction of respondents No.5 and 6 herein. Order of the District Magistrate stands affirmed upto the High Court on account of dismissal of CWP No.16946 of 2018 on 11.12.2018 that had been preferred by the private respondents herein.

It may be noticed that respondents No.5 and 6 are the son and daughter-in-law, respectively of the petitioner.

In the reply that has been filed in Court today a stand has been taken that on 12.07.2019 steps had been taken to get delivered possession of the house in question to the petitioner but respondents No.5 and 6 were not present. There were certain articles lying in the house but the petitioner was insisting on vacant possession.

Learned State counsel would submit that it is on account of such predicament that possession of the house has not been got delivered to the petitioner.

In the considered view of this Court there ought to have been no impediment in getting the order of the District Magistrate dated 31.05.2018 implemented. Even if there were certain articles belonging to respondents No.5 and 6, the Duty Magistrate concerned could have prepared an inventory of the articles in the presence of other officials as also respectables of the area and then kept such articles in safe custody. If such a course of action had been followed, the petitioner, who is in twilight of his life, could have been delivered possession of the house and notice could have been issued to respondents No.5 and 6 to have taken possession of their articles as also to pay the necessary cost.

At this stage, learned State counsel assures the Court that necessary and due corrective action would be taken expeditiously and vacant possession of the premises would be got delivered to the petitioner within a period of three weeks from today.

In view of the above, no further directions are required to be passed.

Petition is disposed of.

11.09.2019

(TEJINDER SINGH DHINDSA)

dss

JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No