

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

CWP-33518-2019

Date of decision: 19.11.2019

Rajpati Yadav

.....Petitioner.

vs.

State of U.T. Chandigarh and others

.....Respondents.

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Dr. Payel Mehta, Advocate for the petitioner.

.....

Sanjay Kumar, J. (ORAL)

Notice of motion.

Upon asking of the Court, Ms. Deepali Puri, learned counsel, accepts notice on behalf of the respondents.

The grievance of the petitioner, a senior citizen, is that his complaint dated 12.11.2018 is not being acted upon by the Deputy Commissioner, Union Territory Chandigarh. The said complaint was made seeking eviction of his son and daughter-in-law from his house on account of non compliance with the order dated 9.5.2014 passed by the Sub Divisional Magistrate (E)-cum-Maintenance Tribunal under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, U.T. Chandigarh, in Case No. 01/14.

Dr. Payel Mehta, learned counsel for the petitioner, would contend that the second respondent, the Deputy Commissioner, Union Territory Chandigarh, entertained the complaint made by the petitioner but he is not passing any effective orders thereon. Rule 20 (3) (1) of the Chandigarh Maintenance of Parents and Senior Citizens Rules, 2009,

would govern the procedure to be followed by the second respondent upon the complaint made by the petitioner. Perusal of the said Rule reflects that steps are to be taken upon such a complaint within a time frame. It is therefore not open to the second respondent to keep pending the complaint of the petitioner indefinitely.

The writ petition is accordingly disposed of directing the Deputy Commissioner, Union Territory Chanidhgarh, the second respondent, to consider the complaint of the petitioner on its own merits and in accordance with the due procedure, as laid down in the aforesaid provisions and take appropriate action thereon expeditiously and in any event, not later than two months from the date of receipt of a copy of this order.

(SANJAY KUMAR)
JUDGE

19.11.2019

preeti

whether speaking/non speaking

yes/no

whether reportable/non reportable

yes/no