

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

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CWP No.6334 of 2020

Date of Decision : 06.03.2020

Jagdish Ram and another

....Petitioners

v/s

District Magistrate-cum-Appellate Tribunal,
SAS Nagar, Mohali and others

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present: Mr. Mukesh Singla, Advocate for the petitioners.

B.S. Walia, J. (Oral),

[1] Learned counsel contends that petitioner No. 2 had transferred 1/3rd share of his house measuring 400 Sq. ft. in favour of his son i.e. respondent No. 4 through vasika No.3477 dated 23.12.2015, that respondent No. 4 further transferred the property in the name of his wife, i.e. respondent No. 5 vide vasika No. 2867 dated 03.10.2017, where after petitioner No. 2 moved an application under the Maintenance and Welfare of Parents and Senior Citizens Act 2007 read with the Rules for cancellation of the aforementioned transfers and after hearing the parties, respondent No. 2 i.e. Tribunal, passed order Annexure P/2 dated 14.12.2017 cancelling both the aforementioned vasikas. Thereafter, the petitioners moved an application before the District Magistrate, Mohali for eviction of respondent No. 4 & 5 and after hearing all concerned, the Additional District Magistrate, SAS Nagar, Mohali passed order of eviction of respondent No. 4 & 5 vide Annexure P/3 dated 03.12.2019. Learned counsel further contends that both order Annexure

Annexure P/3 dated 03.12.2019 passed by the Additional District Magistrate, SAS Nagar, Mohali had attained finality in the absence of challenge by respondent No. 4 & 5 and that vide as per order (Annexure P-3) dated 03.12.2019, respondent Nos.4 & 5 were directed to vacate the house of petitioner No.2, while appointing the Tehsildar, Derabasi as Duty Magistrate with copy to the Senior Superintendent of Police, SAS Nagar, Mohali to take action as per para 3, serial No.(ii) of notification No.10/20/2014-DC/353259/1 dated 27.11.2014, in accordance with law but despite the aforementioned directions, no action had been taken on the same despite representation (Annexure P/4) dated 13.01.2020 and that in the circumstances, the petitioners would be satisfied, if the writ petition was disposed of by directing respondent No.3 to consider and decide representation (Annexure P/4) dated 13.01.2020, in accordance with law.

[3] Without commenting upon the merits of the controversy, the writ petition is ***disposed of*** by directing respondent No.3 to consider and decide the representation (Annexure P/4) dated 13.01.2020, in accordance with law, after taking into account all aspects of the matter as expeditiously as possible.

(B.S. Walia)
Judge

March 06, 2020
'Rajneesh'

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No