

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

104

CWP-11902-2020

Date of Decision:17.08.2020

Darshan Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Dr. Naresh Kaushik, Advocate,
for the petitioner.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in the present civil writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of mandamus directing respondent No.2 to decide the application of the petitioner, a senior citizen dated 21.11.2019(Annexure P-4) pending with the Sub Divisional Magistrate(Civil), Amritsar.

Learned counsel for the petitioner states that the application was filed by the petitioner under Maintenance and Welfare of Senior Citizen Act 2007 read with “The Punjab Maintenance and Welfare of Parents and Senior Citizens Rules, 2012” is pending before the Sub Divisional Magistrate(Civil) Amritsar, but no decision has been taken on the said representation. He submits that as per jamabandi 2005-2006, petitioner is

bathroom constructed over the land i.e. khewat No.444-554, khasra No.2374/216, and he being owner, no other person has a right to claim over the said property. Respondent No.4-Lakhwinder Singh, who happens to be son of the petitioner, has ousted the petitioner from his property i.e. house purchased by him and is threatening him.

Notice of motion.

On the asking of the Court, Ms. Sudeepti Sharma, Addl. A.G., Punjab, appears and accepts notice on behalf of the respondents-State.

At this stage, without commenting anything on the merits of the case, but considering the limited prayer to decide the representation (Annexure P-4) filed by the petitioner, this Court deems it appropriate to direct respondent No.2-Sub Divisional Magistrate(Civil), Amritsar, to decide the said representation(Annexure P-4), provided the same is otherwise legally maintainable before him. The direction by this Court to decide the said representation shall not create any right to the petitioner to claim ownership over the property unless he satisfies the authority that he is owner of the said property and the application submitted by him addressed to Sub Divisional Magistrate(Civil), Amritsar, is legally maintainable.

The civil writ petition stands disposed of accordingly.

August 17, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No