

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

CWP-35286-2019 (O&M)

Date of Decision : July 30, 2020

Abtar Ram Lagah

..... PETITIONER(S)

VERSUS

State of Punjab and others

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Tejinderbir Singh, Advocate, for the petitioner.
 Mr. Navdeep Chhabra, Deputy Advocate General, Punjab.
 Mr. Rajat Malhotra, Advocate, for respondent No.3.

...

Sanjay Kumar, J.

CM-6754-CWP-2020

This application is ordered and the hearing of the case is
advanced to today from 13.10.2020.

CM-7108-CWP-2020

This application is ordered and Annexures A-1 to A-4 are
taken on record. Exemption is granted as prayed for, insofar as filing of

certified copies of these documents is concerned.

CWP-35286-2019 & CM-6755-CWP-2020

This writ petition was filed assailing the order dated 26.09.2019 (Annexure P-5) passed by the Sub Divisional Magistrate-cum-Tribunal, Phillaur, District Jalandhar, in Case No.30/SDM/2019. This case was filed by the 3rd respondent herein under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, seeking invalidation of the Transfer Deeds No.189 and 190, both dated 14.05.2018. The 3rd respondent herein alleged that his son, Abtar Ram Lagah, and others conspired and obtained his Power of Attorney in favour of one Navneet Singh and thereafter secured conveyance of title in his properties under the impugned transfer deeds. Accepting his stand, by the order dated 26.09.2019, the Sub Divisional Magistrate cancelled the said transfer deeds.

Challenging the said order, Abtar Ram Lagah filed this writ petition. As per the Memorandum of Parties, he is shown as a resident of England and is represented by his Special Power of Attorney holder, Kirat Pal Singh. By order dated 09.12.2019, this Court granted interim stay of the operation of the impugned order dated 26.09.2019 on the ground that its validity required examination. The 3rd respondent filed CM-6755-CWP-2020 to vacate the said order.

At the outset, Mr. Rajat Malhotra, learned counsel for respondent No.3, contended that the writ petition, as framed, is not maintainable. He pointed out that the Special Power of Attorney, on the strength of which the present writ petition was instituted, is dated

07.08.2017 and thereby, Abtar Ram Lagah nominated Kirat Pal Singh to be his true and lawful attorney to act on his behalf and in his name and to perform various acts in relation to the properties/land that he owned in Tehsil Nurmahal, District Jalandhar, Punjab. Mr. Tejinderbir Singh, learned counsel for the petitioner, was granted time to respond to this contention.

Today, Mr. Tejinderbir Singh, learned counsel for the petitioner, would fairly state that apart from the Special Power of Attorney executed in August, 2017, there is one more Special Power of Attorney executed in January, 2018, but not thereafter.

The Special Power of Attorney dated 07.08.2017 and any other Special Power of Attorney executed in January, 2018, would only cover the properties owned by Abtar Ram Lagah as on the date of their execution and they would not cover or extend to properties purchased in the name of Abtar Ram Lagah on a later date. Be it noted that these were not General Powers of Attorney executed in relation to the properties owned and that may be owned in future by Abtar Ram Lagah, but restricted Special Powers of Attorney in relation to properties already owned by him in a particular Tehsil. Therefore, Kirat Pal Singh has no authority to represent Abtar Ram Lagah in relation to the property ostensibly purchased in May, 2018. The Special Power of Attorney under which he claims power to do so does not give him such authority.

This writ petition, instituted through the Special Power of Attorney holder Kirat Pal Singh, is therefore defective in its very inception.

The writ petition is accordingly dismissed on this short ground. In consequence, interim order dated 09.12.2019 shall also stand vacated.

No separate orders are required to be passed in CM-6755-CWP-2020 in the light of this final order.

No order as to costs.

July 30, 2020
Kang

(Sanjay Kumar)
Judge

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