

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

204

**CWP-7367-2020 (O&M)
Date of decision:06.04.2021**

RAJNI DEVI

.....Petitioner

Versus

ADDITIONAL DISTRICT MAGISTRATE, PANCHKULA AND ANR

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Rahul Bhargava, Advocate,
for the petitioner.

Ms. Kirti Singh, Deputy Advocate General, Haryana.

ANIL KSHETARPAL, J.

The hearing of the case was held through video conferencing
on account of restricted functioning of the Courts.

On 14.05.2020, the following order was passed:-

“The petitioner is aggrieved by the order dated 17.03.2020 vide which the learned Additional District Magistrate, Panchkula has directed the respondents i.e. petitioner and her husband to take possession of articles lying on the first floor of the said house within 30 days and not to interfere in the life of the applicant i.e. the deceased husband of respondent No.2.

The reliance has been placed upon 2020(1)R.C.R. (Civil) 868 (Punjab & Haryana), to argue that the District Magistrate cannot exercise power of eviction under Maintenance and Welfare of Parents and Senior Citizens Act.

Notice of motion.

Ms. Shruti Jain, DAG, Haryana who is present accepts notice on behalf of respondent No.1.

Let notice be issued to respondent No.2 for 30.07.2020 and till then the operation of the impugned order to the extent vide which the directions have been issued to the present petitioner to take all possessions lying on first floor of the disputed house within 30 days shall remain stayed.”

On 31.03.2021, the following order was passed:-

“Ms. Kirti Singh, Deputy Advocate General, Haryana, on the instructions of Mr. Mohammad Imran Raza, A.D.C. Panchkula, has submitted that the competent authority is prepared to pass a fresh order after granting an opportunity of hearing to the petitioner.

Ms. Aarti Singh, Advocate, has submitted that learned counsel representing the petitioner is not available, therefore, a short adjournment be granted.

Adjourned to 05.04.2021.

Interim order dated 14.05.2020 to continue till the next date of hearing.”

Ms. Kirti Singh, Deputy Advocate General, Haryana, once again, states that the Additional District Magistrate, Panchkula, is ready to grant an opportunity of hearing to the petitioner before passing a fresh order.

Keeping in view the aforesaid facts, the order dated 17.03.2020 is set aside with liberty to the Additional District Magistrate, Panchkula, to pass a fresh order after hearing the petitioner herein.

The petitioner through his counsel is directed to appear before the Officer concerned, on 28.04.2021.

Disposed of accordingly.

April 06, 2021
Ayub/nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No