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

**CM-12691-CWP-2021, CM-12692-CWP-2021 IN/AND
CWP-26853-2017 (O&M)**

Date of decision: May 24, 2022

Mukhtiar Singh

....Petitioner

versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Gurnam Singh, Advocate for the petitioner.

Mr. Suvir Sheokand, Additional AG, Punjab.

Mr. S.S. Kamboj, Advocate for respondents No.4 & 5.

ARUN MONGA, J. (ORAL)

CM-12691-CWP-2021 and CM-12692-CWP-2021

Allowed as prayed for and death certificate of petitioner contained at Annexure R-4/3 is taken on record, subject to all just exceptions.

Main case

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing impugned order dated 03.05.2017 (Annexure P-2) and order dated 29.09.2017 (Annexure P-5), with a further prayer for issuance of writ in the nature of Mandamus for directing the private-respondents to restore the possession of the land which was transferred by way of registered sale deed dated 10.04.2012.

2. It transpires that during pendency of the writ petition, senior citizen-petitioner, at whose instance, the Appellate Tribunal had passed the

order, has since expired, and therefore, the proceedings are rendered infructuous as senior citizen's right to seek benefit under the special statute abates on his death.

3. It is made clear that protection qua life and property accorded to a senior citizen was/is co-terminus with his/her life. Accordingly, parties/legal heirs are left to seek their civil remedy as may otherwise be available under law, since they are not entitled to seek any benefit under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

4. It will be open to the heirs/ successors of the deceased senior citizen to challenge the impugned gift/ transfer of property by him. Such a challenge/ claim, if preferred, shall be adjudicated by competent court, in accordance with law, without being influenced by this order and/ or impugned order dated 03.05.2017 (Annexure P-2) and order dated 29.09.2017 (Annexure P-5).

5. Disposed of.

(ARUN MONGA)
JUDGE

May 24, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No