

203-4

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-29487-2017 (O&M)
Date of decision: July 27, 2022

Sohan Singh and another

....Petitioners

versus

Deputy Commissioner-cum-District Magistrate, Khanna
and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Kanwal Goyal, Advocate for the petitioners.

Mr. Vaibhav Sehgal, Advocate the respondents No.3 and 4.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing impugned order dated 09.08.2017 (Annexure P-1) and order dated 29.04.2016 (Annexure P-2) passed by respondents No.1 &2, respectively, setting aside the transfer deeds dated 21.11.2008, 18.03.2011 and 22.09.2010 executed by respondent No.3, allegedly in complete contradiction to Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

2. It transpires that in the interregnum, senior citizen-Respondent No.3, at whose instance, the Maintenance/ Appellate Tribunal had passed the impugned orders, has since expired. The present writ petition has been filed against the legal representatives of the senior citizen. The proceedings under the Act, *ibid* are thus rendered infructuous/ otiose as senior citizen's right to seek benefit under the special statute abates on his/her 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 09.08.2017 (Annexure P-1) and order dated 29.04.2016 (Annexure P-2) passed by respondents No.1 & 2, respectively.

5. Disposed of.

(ARUN MONGA)
JUDGE

July 27, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No