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

**CWP-4104-2022 (O&M)
Date of Decision: 02.05.2023**

RANJANA**.. Petitioner****Vs.**

**ADDITIONAL DISTRICT MAGISTRATE, AMBALA AND OTHERS
..Respondents**

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Brijender Kaushik, Advocate for the petitioner.

Mr. Sukhdeep Parmar, Sr. DAG, Haryana.

Mr. Neeraj Goel, Advocate
for respondent No.3.

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Manoj Bajaj, J. (Oral)

Petitioner has filed this writ petition under Article 226 Constitution of India for issuance of a writ of Certiorari seeking quashing of order dated 25.1.2022 (Annexure P-3), whereby the Additional District Magistrate, Ambala has accepted the application filed by respondent No.3-mother-in-law of petitioner, thereby ordering petitioner's eviction from the residential house.

Learned counsel for the petitioner has argued that respondent No.3 had filed an application under Section 22 (2), Maintenance and Welfare of Parents and Senior Citizens Act, 2007 read with Rule 24 of Haryana Maintenance of Parents and Senior Citizens Rules, 2009 and prayed for eviction of petitioner/daughter-in-law from her residential property and the claim for eviction only was not maintainable, as she did not claim any maintenance. He further submits that no relief can be claimed

against a daughter-in-law under Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and the rules framed thereunder, thus respondent no.1 exceeded, jurisdiction while ordering the eviction of the petitioner from the house in question.

Further, it has been pointed out that the impugned order is dated 25.01.2022 (Annexure P-3), whereas the Presiding Officer, who passed the impugned order stood transferred vide order dated 03.09.2021, and in this regard, he has drawn the attention of the Court to his transfer order dated 03.09.2021 (Annexure P-4). According to the learned counsel for the petitioner, this fact is not disputed by the Presiding Officer in his short reply filed by way of affidavit dated 30.08.2022, wherein it has been specifically mentioned that he remained posted as Additional District Magistrate, Ambala w.e.f. 03.03.2021 to 03.09.2021 and had decided the case titled '*Smt. Krishna Devi Vs. Ranjana & Others*', but he could not sign the order immediately after pronouncing the same, because of multiple charges of various departments.

This fact is not disputed by learned counsel appearing on behalf of respondent No.3-Krishna Devi, who submits that the impugned order in fact was passed on 13.07.2021, but it was signed by the Presiding Officer after his transfer vide order dated 03.09.2021.

After hearing the learned counsel for the parties and analyzing the material on record, it transpires that though the Presiding Officer has claimed to have pronounced the decision on 13.07.2021, but the same was not signed by him till he remained posted as Additional District Magistrate, Ambala. Admittedly, the Officer was transferred from Ambala on 03.09.2021, therefore, he had no occasion to sign the order after leaving the

charge. Thus, the impugned decision cannot be treated as a valid pronounced decision, therefore, on this ground alone, the same is set aside and the case is remanded back to Additional District Magistrate, Ambala for deciding it afresh, in accordance with law.

It is further clarified that the Additional District Magistrate, Ambala would consider the merits of the case independently and shall not be influenced by the observations made in the decision dated 25.01.2022 (Annexure P-3).

Disposed of.

02.05.2023
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No