

CWP-7227-2020 (O&M)

Date of decision : 20.02.2023

Mamta and another

...Petitioners

Vs.

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Apanjyot Singh Virk, Advocate for the petitioners.

MANOJ BAJAJ, J.

Petitioner has filed this writ petition under Article 226 Constitution of India for issuance of a writ in the nature of Certiorari for quashing the order dated 20.02.2020 (Annexure P-4) passed by District Magistrate-cum-Chairman, Appellate Authority, Karnal under Maintenance and Welfare of Parents and Senior Citizens Act, 2007, whereby petitioners have been evicted from the house.

Learned counsel submits that petitioner No.2 along with his father Harphool had paid the sale consideration jointly to purchase the property in question in the name of Mewa Devi, mother-respondent No.3 and in respect of the said property, a Panchayati compromise had taken place in the year 2013 and according to it, the petitioners were held entitled to be the co-owners of the house in question to the extent of 25% (1/4th share). He submits that respondent No.3-mother brought an application under Maintenance and Welfare of Parents and Senior Citizens Act, 2007 at the instance of her daughters, and the District Magistrate-cum-Chairman, Appellate Authority,

Karnal has not carefully examined the stand of the petitioners while ordering their eviction, therefore, the interference is called for by this Court.

After hearing the learned counsel and considering his submissions, this Court finds that the claim of petitioner No.2 that the property in question is owned by him to the extent of 1/4th share is solely based on Panchayati compromise and this alone is not sufficient to accept his claim for lack of registration. During the course of hearing, it is not disputed by learned counsel that the title of the property as per the sale deed is held by respondent No.3- mother and further during the pendency of the petition, the petitioners have already vacated the subject property. Apart from it, a reading of the application moved by senior citizen before the statutory authority shows that Mewa Devi- respondent No.3 has levelled specific allegations against the petitioners that they are not taking care of her and she is dependent upon others. The decision passed by District Magistrate, Karnal shows that it has examined the material on record carefully while accepting the claim of the senior citizen, therefore, this Court does not find it to be a fit case for exercise of extraordinary jurisdiction under Article 226 Constitution of India.

Dismissed.

(MANOJ BAJAJ)
JUDGE

20.02.2023
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No