

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.26729 of 2018
Date of Decision: January 11, 2023

Prem Chand

...Petitioner

Versus

Deputy Commissioner-cum-District Magistrate, Jalandhar & others

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Gulzar Mohd., Advocate,
for the petitioner.

Mr.Vinay Puri, Advocate,
for respondent Nos.2 to 5.

MANOJ BAJAJ, J.

Petitioner-Prem Chand has filed this petition under Article 226 Constitution of India seeking a writ in the nature of certiorari for quashing the order dated 12.07.2018 (Annexure P-7), passed by respondent No.1- Deputy Commissioner, Jalandhar, whereby his application under Section 22 Maintenance and Welfare of Parents and Senior Citizens Act, 2007 for eviction of respondent Nos.2 to 5, has been rejected.

Learned counsel for the petitioner has argued that the petitioner filed a petition under Section 22 Maintenance and Welfare of Parents and Senior Citizens Act, 2007 seeking eviction of his sons and their respective wives from House No.117/10, B.I.Bazar (Lal Kurti Bazar), Jalandhar Cantt. and the said application has been wrongly dismissed by the District Magistrate, Jalandhar holding that the petitioner has failed to prove

his right in the subject immovable property. Learned counsel has further argued that previously the said property was owned by petitioner's brother Om Parkash, who had expired in the year 1986 and during his life time, he had executed sale deed dated 14.01.1963 (Annexure P-1) in favour of petitioner, therefore, he is owner of this property. According to him, his parents had died before death of his brother Om Parkash, whereas his sisters have relinquished their right in this property, therefore, the reasons given by the District Magistrate, Jalandhar in the impugned order are not sustainable in the eyes of law and interference is warranted by this court.

After hearing the learned counsel and considering the material on record, this court finds that the District Magistrate, Jalandhar dismissed the claim of the petitioner with the observation that the stand of the petitioner that he got the entire property bearing No.117/10, B.I.Bazar (Lal Kurti Bazar), Jalandhar Cantt. by way of inheritance, which was previously owned by Om Parkash is not proved for lack of proper and convincing evidence. Apart from it, the entire claim of the petitioner is based upon bald averments and no substantial evidence was produced by him to support his claim against his two sons and their respective families.

A perusal of the impugned decision reveals that the same is based upon correct appreciation of material on record, thus, no ground is made out for exercise of extraordinary writ jurisdiction.

Dismissed.

January 11, 2023
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No