



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

**CWP No.19308of 2024 (O&M)
Date of Decision: 14.08.2024**

Jai Bhagwan

..... Petitioner

Versus

Presiding Officer, Parents and Senior Citizens, Maintenance Tribunal and Sub
Divisional Officer (Civil), Ambala Cantt. and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Shiv Narayan, Advocate for the applicant/petitioner.

MAHABIR SINGH SINDHU, J.

CM-13053-CWP-2024

Application for placing on record the amended/correct Memo of
Parties.

For the reasons mentioned in the application, same is allowed
subject to all just exceptions. Amended Memo of Parties is taken on record.
Registry will tag the same at appropriate place.



MAIN CASE

Present writ petition has been filed under Article 226 of the Constitution, *inter alia*, for quashing of the impugned order dated 10.07.2024(P-2), passed by respondent No.1-Presiding Officer, Maintenance Tribunal-cum-Sub Divisional Officer (Civil), Ambala Cantt. (*for short 'Tribunal'*), whereby petitioner was directed to hand over the possession of two rooms and one *branda (sic-verandah)* for residential purposes to respondent No.2-Shakuntla Devi, who is none else; but his mother and is in the evening of her life, as she has attained the age of 90 years.

2. In brief, respondent No.2-Shakuntla Devi filed an application under Sections 5(1), (2), 22(2) & 23(1) of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 (*for short 'Act'*) before the Tribunal with the allegations that she is an old lady and had purchased land measuring 17 ¼ Marlas on the basis of an agreement, situated within *lal dora* of Village Tepla, Tehsil Saha, District Ambala.

2.1 Also alleged that two rooms and one verandah were in her possession over the land in dispute; whereas remaining area was equally distributed amongst her two sons, namely, Jai Bhagwan (petitioner) & Harbans Singh. Again alleged that as per the Policy of Haryana Government, the person who had land within *lal dora* and having possession of the same, they can approach the Department concerned and get the land registered in their favour. Also alleged that petitioner in connivance with the revenue



officials got the registration of aforesaid two rooms & one verandah and thrown her out from the said house.

2.2 Further alleged that respondent No.2 filed the aforesaid application before the Tribunal seeking Rs.10,000/- as maintenance as well as transfer of the land in her name. On receipt of Notice dated 26.05.2023, respondent No.2 filed reply to the aforesaid application. Ultimately, the Tribunal vide impugned order directed the petitioner to hand over the possession of two rooms & one *verandah* for residential purposes to respondent No.2-Shakuntla Devi.

3. Contends that after the death of father of the petitioner, he along with his younger brother purchased the said land with their own hard earned money. Also contends that petitioner constructed two rooms & one *verandah* on his share and the same was also registered in his name.

4. Heard learned Counsel for the petitioner and perused the paper-book.

5. It is duly established that property in dispute is situated in *Lal Dora* and whosoever is in possession, shall be deemed to be owner thereof. There is sufficient material on record that respondent No.2-Shankuntala Devi was in possession of the premises in dispute and she is having no other shelter to reside.

6. Moreover, the present proceedings are neither an appeal; nor a revision against the impugned order; rather this is judicial review of the quasi-judicial order; hence, no ground is made out to interfere with the same.



7. Consequently, there is no option but to dismiss the present petition.

8. Ordered accordingly.

Pending application(s), if any, shall also stand disposed off.

14th August, 2024
Gagan/Rajeev(rvs)

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No