



CWP-7282-2021 (O&M)

-1-

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

213

CWP-7282-2021 (O&M)
Date of Decision :01.05.2025

Karan Yusuf @ Karan DJ

...Petitioner

Versus

Deputy Commissioner, Sirsa and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Amandeep Singh, Advocate for
Mr. Chanderhas Yadav, Advocate for the petitioner.

Mr. Saurabh Girdhar, AAG, Haryana.

Mr. Mohinder Pal, Advocate for respondents No.2 & 3.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the order dated 05/23.02.2021 (Annexure P/6) passed by the authorities exercising jurisdiction under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 (hereinafter referred to as '2007 Act') whereby, the petitioner has been evicted from the premises in question.

2. Learned counsel for the petitioner submits that presently the petitioner is not living in the premises from which his eviction was being sought and rather is living in a rented accommodation.

3. Learned counsel for the petitioner further submits that the only issue for which the present writ petition has been filed is whether, eviction could have been ordered by the authorities concerned exercising jurisdiction under the 2007 Act keeping in view the judgment of the Coordinate Bench



CWP-7282-2021 (O&M)

-2-

of this Court in **CWP-4744-2018 titled as Simrat Randhawa vs. State of Punjab and others decided on 23.01.2020.**

4. Learned counsel for the respondents No.2 & 3 submits that keeping in view the judgment of the Hon'ble Supreme Court of India in **Civil Appeal No.10927-2024 titled as, Urmila Dixit vs. Sunil Sharan Dixit and others, decided on 02.01.2025,** the power to order eviction on the asking of the senior citizen is inherent under the 2007 Act and therefore, once, the power to pass order of eviction exists with the authorities concerned, which jurisdiction has been exercised by the Tribunal coupled with the fact that the petitioner himself stated that he is not living in the premises in question any further, present writ petition is liable to the dismissed.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. Present writ petition was filed challenging the order dated 05/23.2.2021 (Annexure P/6) passed by the authorities exercising jurisdiction under the 2007 Act on the ground that the authorities could not have passed the order of eviction of the petitioner from the premises in question though, it is a conceded fact that the premises in question is owned by the senior citizen. It is also a conceded fact that the petitioner is not living in a premises in question and is presently living in a rented accommodation.

7. Now, the only question which arises is, whether the eviction of the petitioner from the premises in question which was ordered by the authorities concerned was within the jurisdiction of the authorities under the

**CWP-7282-2021 (O&M)****-3-**

2007 Act or not .

8. Th said issue has already been decided by the Hon'ble Supreme Court of India in the case of **Urmila Dixit (supra)** wherein, it has been held that passing an order of eviction on the asking of the senior citizen is inherent under the 2007 Act. That being so, order which has been impugned in the present petition was within the jurisdiction of the authorities envisaged under the 2007 Act.

9. Further, once, the petitioner is not living in the premises in question and the said premises is concededly owned by the senior citizen, no relief can be granted to the petitioner.

10. Keeping in view the facts and circumstances recorded hereinbefore, no ground for interference by this Court is made out and the present petition is accordingly dismissed.

May 01, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No