



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(215)

CWP No. 10285 of 2024
Date of Decision : 16.07.2025

Davinder Dutt Sharma

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Arvind Pratap, Advocate for
Mr. Parampreet Singh Paul, Advocate for the petitioner.

Ms. Akshita Chauhan, Deputy Advocate General, Punjab.

Mr. Kulbir Singh, Advocate for
Mr. A.S. Rehal, Advocate for respondents No. 5 and 6.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the challenge is to the letter dated 17.02.2023 (Annexure P-2) by which the Deputy Commissioner of the State of Punjab was directed that keeping in view the order passed in CWP No. 4744 of 2018 titled as **Simrat Randhawa Vs. State of Punjab and others**, the eviction being sought by the senior citizen from the property owned by the senior citizen be kept in abeyance.
2. Learned counsel for the petitioner submits that the issue as to whether the eviction is inherent under The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as '2007 Act') has already been decided by the Hon'ble Supreme Court of India while passing order in Civil Appeal No. 10927 of 2024 titled as **Urmila Dixit Vs.**



Sunil Sharan Dixit and others, decided on 02.01.2025 and, therefore, now there is no restriction upon the Tribunal or the Appellate Authority to consider the claim of the senior citizen for seeking eviction.

3. Learned counsel for the respondents has not been able to dispute that keeping in view the judgment in ***Urmila Dixit's case (supra)***, there is inherent power with the Tribunal as well as the appellate authority envisaged under 2007 Act to decide the claim of the senior citizen where the senior citizen is seeking eviction from his/her property.

4. Keeping in view the totality of the circumstances, the Tribunal as well as the Appellate Authority envisaged under 2007 Act are directed to ignore the letter dated 17.02.2023 (Annexure P-2) which become irrelevant in view of the judgment of the Hon'ble Supreme Court of India in ***Urmila Dixit's case (supra)***.

5. The Tribunal, where an application has been filed by the petitioner seeking eviction from his property, will decide the claim of the petitioner on an application for revival filed by the senior citizen along with copy of this order, in accordance with law by giving due opportunity of hearing to all the concerned.

6. The present petition is disposed of in above terms.

7. Pending miscellaneous application, if any, also stands disposed of.

July 16, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No