



CWP-24123-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-24123-2023 (O&M)
Date of Decision :07.02.2025

Prem Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. H.K. Chaturvedi, Advocate for the petitioner.

Mr. T.P.S. Chawla, Senior DAG, Punjab.

Mr. Vijay Lath, Advocate for respondents No.5 & 6.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, grievance is raised by the petitioner-senior citizen against the order 06.03.2023 (Annexure P/1) by which, the claim raised by the petitioner-senior citizen under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 (in short, '2007 Act') has been rejected by the Additional District Magistrate, Patiala

2. Learned counsel for the petitioner submits that the husband of the petitioner namely, Tarsem Singh owned certain properties and after his death, the said properties were devolved on his legal heirs including the petitioner. The property in question in the present petition is a Farm House situated in Rajpura, District Patiala and the petitioner, who is a senior

citizen had share in the said Farm House but she was dispossessed from the said Farm House by her son thus in response to this adversity, she being a senior citizen is trying to avail the remedy under 2007 Act by filing a petition under Section 23 of the 2007 Act so that she can be allowed to enter the premises so as to enjoy the property.

3. Upon notice of motion, the respondents appeared and resisted the claim of the petitioner. The respondents ultimately brought into the notice of the authorities adjudicating the claim of the petitioner under the 2007 Act that the share which the petitioner got in the property in question after the death of her husband for the said Farm House has already been transferred by her in favour of her grandson namely Japneet Singh S/o Late Pritpal Singh i.e. the son of the petitioner. Hence, the share of the petitioner-senior citizen does not exist in her favour qua the property for which, the claim has been raised under 2007 Act and hence the same may kindly be dismissed.

4. After hearing the parties concerned, the Additional District Magistrate, Patiala passed the order dated 06.03.2023 (Annexure P/1) declining the relief to the senior citizen, which is under challenge in the present petition.

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

6. The question which arises in the present petition is whether the senior citizen can avail the remedy under 2007 Act even if, the property does not belong to the senior citizen. In regard to this, the provisions of 2007 Act provides that the senior citizens should be able to enjoy their

property and live a dignified life at this stage of their life and for fulfillment of this purpose certain benefits have been given to them which includes but is not limited to redressal of their grievances relating to their properties by way of summary proceedings just so that they do not suffer any prejudice by waiting for long decision to arrive.

7. The question in hand in the present petition though is that the petitioner-Prem Kaur, who is a senior citizen had a share in the property in question which is a Farm House at Bypass Road, Islampur Road, Rajpura, District Patiala after the death of her husband which property also devolved in shares to the other legal heirs of Tarsem Singh, will keep the said right alive to avail the benefit under 2007 Act even after transferring of her share in favour of her grandson. As per the provisions of 2007 Act, the life and liberty and the property of senior citizen should be taken care of by the authorities concerned.

8. In the present case, a finding has been recorded by the Additional District Magistrate, Patiala vide order dated 06.03.2023 that the share which the petitioner-senior Citizen had in the property concerned had already been transferred in favour of her grandson namely Japneet Singh. That being so, the right to claim any benefit qua the said property under 2007 Act stands extinguished. The findings which have been recorded by the authority concerned exercising power under 2007 Act needs no interference at the hands of this Court as the said impugned order is not against the provisions of the 2007 Act or any other fact which has come on record as nothing has been brought to the notice of this Court that any material fact has been ignored by the authority concerned. The right of the

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senior citizen can only be adjudicated under 2007 Act by summary proceedings qua the property of the senior citizen but after the said right is extinguished either by way of transfer of the said property or otherwise in any manner, the benefit of 2007 Act cannot be availed by the senior citizen so as to claim any benefit.

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

11. Civil miscellaneous application pending, if any is also disposed of.

February 07, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No