

**CWP-24177-2024****1**

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

(206)**CWP-24177-2024****Date of Decision : March 21, 2025****Kamlesh Soi and another****.. Petitioners**

Versus

State of Punjab and others**.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Sahil Vashisht, Advocate, for the petitioners.

Mr. T.P.S. Chawla, Sr. Deputy Advocate General, Punjab.

Mr. Kulwinder Singh, Advocate, for respondent No.4.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the prayer of the petitioners is that an application filed by the petitioners-senior citizens for eviction of the private respondents is pending before the authorities envisaged under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 (hereinafter referred as '2007 Act') which plea raised by the petitioners-senior citizens is not being decided and the same is causing prejudice to the petitioners.

2. Learned counsel for the private respondents submits that the issue raised in the application is whether, the passing of order of eviction from the property is inherent under 2007 Act or not.

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

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4. As per the settled principle of law settled by the Hon'ble Supreme Court of India in ***Civil Appeal No.10927 of 2024 titled as Urmila Dixit vs. Sunil Sharan Dixit and others, decided on 02.01.2025***, it has already been held that the passing of the order of eviction is inherent in the 2007 Act and the said order can be passed by the authorities exercising jurisdiction under 2007 Act.

5. The only prayer of the petitioners in the present writ petition is for deciding the claim which is pending before the authorities within the time frame so that the petitioners-senior citizens do not suffer prejudice.

6. Keeping in view the totality of the circumstances, the authorities envisaged under 2007 Act before whom the petitioners have filed an application seeking eviction of the private respondents from the property, are directed to decide the application filed in accordance with law by giving due opportunity of hearing to the parties and to allow them to present evidence in support of their respective claims.

7. Let the appropriate order on the application of the senior citizens be passed within a period of four months from the date of receipt of copy of this order.

8. The present writ petition is disposed of in above terms.

9. Parties are directed to appear before the Additional Deputy Commissioner, Jagraon, Ludhiana on 09.04.2025.

March 21, 2025

harsha

(HARSIMRAN SINGH SETHI)**JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No