



CWP-28227-2022

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

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CWP-28227-2022 (O&M)
Date of decision : 21.01.2025

BRIJPAL AND ANR.

..... Petitioners

VERSUS

DISTRICT MAGISTRATE AND ANR.

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- None for the petitioners.

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

Mr. Rohit Mittal, Advocate
for respondent No.2.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the grievance of the petitioners is qua the order dated 28.07.2022 (Annexure P-4) which has been passed by the Collector, Mahendergarh at Narnaul. As per the petition, the challenge is to the order dated 28.07.2022 that the same is cryptic and does not consider all the relevant facts which were brought to the notice and hence, the said order is liable to be *set aside* so that, appropriate decision can be taken by the Collector, Mahendergarh at Narnaul on the basis of the material evidence adduced whether, the claim of the respondent No.2-senior citizen is made out qua the said property for eviction of the petitioners.

2. Notice of motion was issued and Mr. Rohit Mittal, Advocate

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appeared on behalf of the respondent No.2-senior citizen and submits that the present plot measuring 5 marla which is situated in the Lal Dora was purchased by the respondent-senior citizen in the year 1997 and though there is another house which is also in the possession of the petitioners but the senior citizen needs the same as he does not have any other place to live and senior citizen is living with his daughter.

3. I have heard learned counsel for the respondents as none has appeared on behalf of the petitioners.

4. A bare perusal of the order dated 28.07.2022 (Annexure P-4) passed by the Collector, Mahendergarh at Narnaul which is under challenge, it is clear that the same is totally cryptic and non-speaking and does not give the reasons which are required before passing an order of eviction. The Collector is required to give due reasons whether the property belongs to the senior citizen or not, if yes under what circumstances and whether, the assertions/objections raised by the petitioners-children to oppose the said prayer, are valid or not by giving due reasons to support the conclusion. In the present petition, following has been recorded to allow the claim of the respondent-senior citizen:-

“After hearing both the parties and considering the documents and report of Tehsildar, Kanina available in the file, petition filed by the petitioner is allowed and respondents were directed to vacate and give the possession of the disputed house mentioned in the report given by the Tehsildar, Kanina alongwith documents attached with it within 30 days. Order pronounced. File to be consigned to record room after due compliance.”

5. A bare perusal of the above would show that not even a single reason has been stated to support the findings or the direction given. In the

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absence of any reason given, the order cannot be sustained. Accordingly, the order dated 28.07.2022 (Annexure P-4) is *set aside* and case is remanded back to the Collector, Mahendergarh at Narnaul for passing appropriate order on the plea of the respondent No.2-senior citizen whether, the petitioners are liable to be evicted and the order to be passed by the Collector should be reasoned one, giving due reasons for arriving at a particular conclusion keeping in view the material evidence which has been brought on record by the respective parties.

6 Let a fresh order be passed within a period of three months from the date of the receipt of the copy of this order as respondent No.2-senior citizen is pleading that he does not have any place to live.

7. Present petition is disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

21.01.2025

Rimpal

Whether speaking/reasoned
Whether Reportable :

Yes
No