



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CWP-18623-2024 (O&M)
Date of decision : 21.02.2025

SUKH DEVI

..... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. S. S. Rana, Advocate for
Mr. Sarvesh Kumar Gupta, Advocate
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the grievance being raised by the petitioner-senior citizen is that she had availed the remedy under Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as '2007 Act') before the Authorities concerned, for the eviction of the private respondents but, the said prayer is not being considered by the Authorities keeping in view the letter dated 17.02.2023 (Annexure P-5) according to which, the eviction was not envisaged under 2007 Act.

2. Learned counsel for the petitioner-senior citizen submits that keeping in view the judgment of Hon'ble the Supreme Court in *Civil Appeal No.10927 of 2024 titled as 'Urmila Dixit vs. Sunil Sharma and others, decided on 02.02.2025*, it has already been held that eviction can be sought by the senior citizen from the property as the same is envisaged under 2007 Act hence, the respondents are under obligation to decide the application



CWP-18623-2024 :2:

filed by the petitioner-senior citizen for eviction of the private respondents.

3. Learned counsel for the respondents has not been able to dispute that after the judgment in **Urmila Dixit** (supra), the instructions issued by the State of Punjab dated 17.02.2023 (Annexure P-5) cannot be made applicable any further.

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

5. The prayer of the petitioner-senior citizen is only to adjudicate the claim of the senior citizen as raised in 2007 Act for eviction of the private respondents from the property belonging to the senior citizen. The same needs to be decided as, the eviction is also inherent under 2007 Act keeping in view the judgment in **Urmila Dixit** (supra). In case any such application has been filed by the petitioner-senior citizen and the same is pending consideration, the authorities are directed to decide the said issue in accordance with law by taking into consideration the judgment in **Urmila Dixit** (supra).

6. In case the respondents are of the view that no application is filed, the petitioner-senior citizen will be at liberty to file a fresh application for consideration as per the judgment in **Urmila Dixit** (supra).

7. Present petition is allowed in above terms.

8. Pending applications, if any, also stand disposed of accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

21.02.2025

Rimpal

Whether speaking/reasoned
Whether Reportable :

Yes
No