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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

LPA-959-2025 (O&M)

*Date of Decision: 19<sup>th</sup> August, 2025*

JODHA SINGH

.....Appellant(s)

V/s.

ADDITIONAL DISTRICT MAGISTRATE, S.A.S. NAGAR, MOHALI AND  
OTHERS

.....Respondent(s)

**CORAM:** **HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA**  
**HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present Mr. Ranjit Saini, Advocate, for the appellant.

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**ASHWANI KUMAR MISHRA, J. (Oral)**

1. The Appeal arises out of an order dated 11.02.2025, passed by the learned Single Bench, declining to come to the aid of the appellant, who is a senior citizen, and is claiming relief against his own son.

2. The facts of the case have been noticed in Para 5 to 7 of the order of the learned Single Bench, the same are reproduced as under:-

*“5. Learned counsel appearing for respondents No.2 & 3 submits that as per the order passed, the present petition is confined only qua the claim against respondent No.2-son and the claim raised against respondent No.3, who is a daughter-in-law of the petitioner-senior citizen was waived of hence, once the respondent No.3-daughter-in-law can live in the premises in question concerned, it cannot be said that her husband i.e. respondent No.2 has to vacate the premises so as to dislodge the family on the asking of the petitioner-senior citizen.*

*6. Learned counsel for the respondents No.2 & 3 further submits that the property in question is having four floors and in the half of the ground floor, respondent No.2 along with his wife and two sons are living and the other half of the property on ground floor is in the possession of the petitioner-senior citizen, who is also having the possession of the 1st floor along with his other son whereas, the 2nd and 3rd floors have been given on*

*rent. Learned counsel for the respondents No.2 & 3 further submits that apart from the rent being fetch by the petitioner-senior citizen, he is also getting handsome pension hence, the question of maintaining him does not arise.*

*7. Learned counsel for respondent No.2 & 3 submits that qua the argument of the learned counsel for the petitioner-senior citizen that the life and liberty of the petitioner-senior citizen is at stake, no such incident has ever been brought to the notice of the authorities concerned to the effect that the said averments can be believed to be true. Learned counsel for the respondents No.2 & 3 submits that a legal and valid order has been passed by the authorities concerned hence, the impugned order dated 14.01.2020 (Annexure P/1) passed on the application of the petitioner-senior citizen may kindly be upheld.”*

3. Learned Single Bench has further noticed that there is no threat to life and liberty as demonstrated by the appellant, and that despite such opportunity given, the appellant, has not been able to substantiate his claim. The observations made in para 9 to 13 of the judgement of the learned Single Bench, reads as under:-

*“9. The senior citizens have been given a right to get the accommodation vacated in case, there is a threat to the life and liberty of the senior citizen. Learned counsel for the petitioner-senior citizen was asked to point out any material evidence before the authorities concerned to show that at any given point of time the life and liberty of the petitioner-senior citizen was under threat. No such material evidence has been brought to the notice of this Court so as to treat the impugned order dated 14.01.2023 passed by the authorities concerned to be perverse. Even otherwise, respondents No.2 & 3 are living in half of the property in question along with their children.*

*10. Further, the relief against respondent No.3-daughter-in-law has been waived of by the petitioner-senior citizen, which is*

*clear from order dated 02.03.2020 passed by this Court. The relief against the respondent No.2-son is not admissible as the respondents No.2 and 3 are husband and wife hence, it cannot be said that the wife will be allowed to live in the house whereas the husband will live somewhere else. A family cannot be dislodged on the asking of the petitioner-senior citizen.*

*11. Even otherwise, claim of the petitioner-senior citizen that the life and liberty of the petitioner-senior citizen is at threat at the hands of the respondents No.2 & 3, cannot be accepted as the other son of the petitioner-senior citizen is living with him on the 1st floor and there are tenants on the 2nd and 3rd floors. That being so, it cannot be said that the presence of the respondents No.2 & 3 in the property in question is causing danger to the life and liberty of the petitioner-senior citizen.*

*12. Further, the petitioner-senior citizen is not seeking maintenance as he has resources to his credit more than the resources of respondents No.2 & 3.*

*13. Keeping in view the totality of the facts and circumstances, no ground for interference by this Court is made out in the impugned order and the writ petition is accordingly dismissed.”*

4. Learned counsel for the appellant does not dispute that the house in question consists of four floors; two of which are on rent. The rent is being received by the appellant. The family members, including the son, are living in the other two floors. On the ground floor, only half of the portion is in the possession of respondents 2 and 3, with remaining half and the first floor being with the appellants and other sons.

5. This appears to be a routine discord within a family and for such purposes, jurisdiction of authorities under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 cannot be invoked.

6. Learned counsel for the appellant then placed reliance on the judgment of the Division Bench of this Court in Gurpreet Singh Vs. State of Punjab and Others; 2016 (1) RCR (Civil) 324, wherein the Court has observed as under :-

*12. The petitioner is a licensee living in the premises on the basis of concession given by his father to live in the property owned by him. AsCWP No.24508 of 2015 7 a licensee, the petitioner is only permitted to enjoy the possession of the property licensed but without creating any interest in the property. A licence stands terminated the moment the licensor conveys a notice of termination of a licence. There is no vested right of any kind in the licensee to remain in possession of the property licensed. Admittedly, respondent No.4 is the owner of the property in question. The petitioner is living in part of the property. Such property owned by respondent No.4 is required to be protected as mandated by Section 22 of the Act read with Rule 23 of the Rules and para 1 of the Action Plan. There cannot be any effective protection of property of the senior citizens unless the District Magistrate has the power to put the senior citizen into possession of the property and/or to restrain or eject the person who wishes to interfere in the possession of the property of the senior citizen. Protection of the property of a senior citizen includes all incidences, rights and obligations in respect of property in question. Once a senior citizen makes a complaint to District Magistrate against his son to vacate the premises of which the son is a licensee, such summary procedure will ensure for the benefit of the senior citizen. The petitioner would have no right to resist his eviction only on the ground that the Act does not contemplate eviction of an occupant. Eviction is one part of the right to protect the property of a senior citizen which right could be exercised by a senior citizen in terms of provisions of the statute, Rules framed and the Action Plan notified.”*

7. There are no allegations of the kind, which were made against the son, in the case of the Gurpreet Singh (Supra). It is not the case that the Son, being the licensee, has changed the property or has created any interest in the property. In such circumstances, the Division Bench judgment of this Court in Gurpreet Singh (Supra) will not come to rescue of the appellant.

8. In the facts of this case, we find that learned Single Bench has not erred in refusing to interfere in the Writ Petition of the appellant. The Appeal consequently fails and is dismissed accordingly.

9. All pending applications in this case are disposed of accordingly.

**[ASHWANI KUMAR MISHRA]  
JUDGE**

**[ROHIT KAPOOR]  
JUDGE**

**August 19, 2025**

*Ess Kay*

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>