





**CWP-9985-2019**            **2**

3.            Learned counsel for the petitioner further submits that the impugned order passed by the authorities exercising jurisdiction under 2007 Act is incorrect as the respondent No.3-senior citizen is not residing in Ambala where the property in question is situated and therefore, eviction order should not have been passed by the authorities concerned.

4.            Learned counsel for the petitioner further submits that once there are three shops which are owned by the respondent No.3-senior citizen and which shops have been given out on rent, the respondent No.3-senior citizen is similarly going to rent out the premises in question from where the eviction of the petitioner is being sought by respondent No.3-senior citizen and therefore, it is the prayer of the petitioner that the impugned order dated 22.02.2019 (Annexure P-3) passed by the authorities exercising jurisdiction under 2007 Act directing the eviction of the petitioner may kindly be set aside.

5.            I have heard learned counsel for the petitioner and have gone through the record with his able assistance.

6.            Certain facts have gone un-rebutted in the present case such as that the property in question is being owned by the respondent No.3-senior citizen and the eviction order has been passed whereby a direction has been given to the petitioner to hand over the property in question to the respondent No.3- senior citizen by the authorities exercising jurisdiction under 2007 Act while passing the impugned order.

7.            The question which has been raised by the petitioner is whether, the exclusive jurisdiction to oust the petitioner from property in question rests with the respondent No.3-senior citizen so as to claim the



**CWP-9985-2019**                      **3**

eviction even though the respondent No.3-senior citizen does not even reside in Ambala.

8.                      It may be noticed that the respondent No.3-senior citizen owns the property in question and has filed the eviction application exercising right under the 2007 Act. The authorities exercising jurisdiction under 2007 Act while passing the impugned order have reached to the conclusion on the basis of the evidence which has come on record that the property in question belongs to the respondent No.3-senior citizen and the senior citizen is living on rent as of now with the another son, which makes it clear that the respondent No.3-senior citizen does not have any other property in his name except for the property in question.

9.                      Once, the factum that the property in question belongs to the respondent No.3-senior citizen and the senior citizen is residing in a rented accommodation with another son, the claim of the petitioner that he has right to occupy the property in preference to the senior citizen is contrary to the objective of 2007 Act.

10.                     Nothing has come on record to show that the respondent No.3-senior citizen is not going to occupy the property in question after vacating by the petitioner hence, in the facts and circumstances of the present case when this becomes an undisputed fact that the respondent No.3-senior citizen is the exclusive owner of the property in question and he does not have any other property to reside in and at present he is residing with another son in a rented accommodation, no interference is called for by this Court in the impugned order dated 22.02.2019 (Annexure P-3).



**CWP-9985-2019**      **4**

11.            Accordingly, the writ petition is dismissed.
12.            The petitioner is directed to vacate the premises by 30.06.2025.

**March 21, 2025**  
*harsha*

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

Whether speaking/reasoned : Yes  
Whether reportable            : No