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

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Date of Decision :19.02.2025

Manpreet Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. M.S. Saini, Advocate for
Mr. Navinder Jit Singh Dandiwal, Advocate for the petitioner.

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

Mr. Sukhdev Raj Kamboj, Advocate
for respondents No.3 to 5.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, challenge is to order dated 13.12.2022 (Annexure P/4) passed by the Appellate Tribunal-cum-District Magistrate, Moga whereby, the petitioner has been ordered to evict the premises in question.

2. Learned counsel for the petitioner argues that the authorities under the Maintenance and Welfare of Parents and Senior Citizen, 2007 Act, (in short, '2007 Act') has accepted the plea of respondent NO.3-Satya Devi so as to evict the petitioner from her house, which is arbitrary and illegal as the petitioner is also an adopted son of respondent No.3-senior citizen and has no other place to live.



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3. Learned counsel for the petitioner submits that the petitioner is ready to take care of the respondent No.3-mother and hence, the impugned order dated 13.12.2022 passed by the authorities concerned exercising power under 2007 Act directing the eviction of the petitioner may kindly be set aside.

4. Upon notice of motion, the respondent No.3-senior citizen appeared and submits that though the respondent No.3-senior citizen has taken care of the petitioner but he was not adopted by her.

5. Learned counsel for the respondent No.3-senior citizen submits that the respondent No.3-senior citizen has no other place to live and the petitioner never bothered to take care of her, what to talk of maintaining her hence, an appropriate direction be given to the petitioner to vacate the premises in question so that respondent No.3-senior citizen can live peacefully and the impugned order passed by the authorities concerned under 2007 Act may kindly be upheld.

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

7. It is a conceded fact that the property in question belongs to the respondent No.3-senior citizen. It is also a conceded position that as of now property is locked by the petitioner, who is working as a driver and is not being used by him and is in a neglected form. Even the wife of the petitioner is living in her parental house along with the children.

8. As per the provisions of 2007 Act, the senior citizen should be accommodated in her own property. Nothing has come on record to show that property in question does not belong to the respondent No.3-senior

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citizen and petitioner has preferential right to occupy the property in question over and above the respondent No.3-senior citizen, who is a widow hence, the impugned order dated 13.12.2022 passed by the authorities concerned needs no interference at the hands of this Court especially, when the respondent No.3-senior citizen has no other place to reside. Hence, the petitioner is directed to vacate the property in question by 30.04.2025. In case, the petitioner does not comply with the direction, the respondent No.3-senior citizen can seek help of police officials so as to take possession of the property in question.

9. Present petition is dismissed in above terms.

February 19, 2025*aarti***(HARSIMRAN SINGH SETHI)****JUDGE***Whether speaking/reasoned : Yes**Whether reportable : No*