

EVICITION ORDERS CAN BE PASSED UNDER MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZENS ACT, 2007 TO ENSURE THE MAINTENANCE AND PROTECTION OF SENIOR CITIZENS:-

The Hon'ble High Court of Karnataka in a reportable judgment in **Smt. Soumya vs. Smt. Ratnakumari & Ors., in W.P. No. 104795 of 2025 (GM-RES) dated 25/11/2025** has held that a senior citizen can seek eviction of a person in case such an order is essential for the welfare of the senior citizen. In this case, the mother-in-law after the death of her son sought the eviction of the daughter-in-law from her premises.

The Petitioner (daughter-in-law) challenged an order dated 17.06.2025, passed by the Assistant Commissioner and Authority for Senior Citizens Tribunal, Ballari, under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 whereby, the Assistant Commissioner directs the petitioner to vacate the house, which is in possession of the petitioner and her children and hand it over the same to the first respondent - senior citizen.

The issue in this case was whether the Assistant Commissioner can pass an order of eviction, while considering a petition by a senior citizen.

After the death of the son of the first respondent, the relationship between the petitioner and the first respondent was not cordial and therefore, the first respondent is said have filed an application under the provisions of the Act, before the Assistant Commissioner seeking eviction of the petitioner and her children from the aforesaid house and also sought cancellation of another gift deed executed in favour of the second respondent in respect of a different house.

The Hon'ble High Court observed that, the senior citizen in the case at hand has been housed in the outhouse, depriving the senior citizen of dignified access to her own home, as the house is in the possession of the petitioner, who does not reside in the said premises. The petitioner having shifted residence to Andhra Pradesh after her husband's demise cannot insist on retaining the premises on the basis of frayed relationship with the senior citizen.

The Hon'ble High Court relied on the judgments of the Apex Court **S. Vanitha vs. Deputy Commissioner, Bengaluru Urban District & Ors., reported in [(2021) 15 SCC 730]** and also on the judgment of the Supreme Court in **Rajeswar Prasad Roy vs. The State Of Bihar And Others., reported in [SLP.(CIVIL)NOS.7675 OF 2024, DISPOSED ON 30.01.2025]** and held that eviction orders can be passed to ensure the maintenance and protection of senior citizens.

It was further held that, the Act does not in express terms contemplate a general power to initiate eviction against an occupant of the premises owned, by or belonging to a senior citizen. It is only in a compelling circumstances, qua the facts obtaining in every case, where the protection, dignity and welfare of a senior citizen so demands, that the Tribunal by justifiably pass an eviction order. Eviction cannot be sought as a matter of routine or ordered for the asking. The jurisdiction is extraordinary to be invoked where rights of the elderly are to be protected.