

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.15467 of 2017
Date of decision:16.05.2018

Sukhdev Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Ankit Aggarwal, Advocate for
Mr. Anupam Singla, Advocate for the petitioner.

Ms. Bhawna Gupta, DAG Punjab.

Mr. Ramandeep Singh, Advocate for respondent No.3.

Rakesh Kumar Jain, J. (Oral)

This petition is directed against the order dated 26.10.2016 passed by the District Magistrate, Patiala by which he has allowed an application filed by respondent No.3 (mother of the petitioner) for annulling the sale deed bearing No.5268 dated 21.7.2009 in respect of land measuring 16 Bighas 12 Biswas situated within the revenue estate of village Akaut, Tehsil and District Patiala.

Learned counsel for the petitioner has submitted that application filed under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short 'the Act') is not maintainable before the District Magistrate, Patiala as it could have been filed only before the Tribunal. It is also submitted that the District Magistrate, Patiala, did not even grant any opportunity of hearing to the petitioner at the time of the passing of the impugned order. This fact is not denied by the counsel for respondent No.3. He is also not disputing the fact that the application filed under Section 23 of the

Act is maintainable only before the Tribunal and not before the District Magistrate who can entertain an application in terms of the provisions of the action plan of the State.

In view of the aforesaid facts and circumstances, the present petition is allowed and order dated 26.10.2016 passed by the District Magistrate, Patiala is hereby set aside. Respondent No.3, however, is granted liberty to file application, if so advised, before the competent authority i.e. the Tribunal, in case she still want to get the document annulled on the ground that his son/petitioner did not render any services to her. However, nothing observed in this order shall be taken as an expression on the merits of the case.

May 16, 2018
Meenu

(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned : Yes/No
Whether reportable : Yes/No