

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

CWP No.1948 of 2016
Date of Decision:19.04.2018

Gurinderjit Singh and another

. Petitioners

Vs.

District Magistrate, UT, Chandigarh and another

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.BPS Virk, Advocate,
for the petitioners.

Ms.Ekta Thakur, Advocate,
for respondent No.2.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is directed against the order passed by the District Magistrate, UT, Chandigarh dated 17.12.2015 by which the property transferred by respondent No.1 to the petitioners has been ordered to be restored in terms of Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 [for short 'the Act'].

Learned counsel for the petitioners has argued that the District Magistrate had no jurisdiction to pass the impugned order because the application under Section 23 of the Act would lie before the Tribunal.

Learned counsel appearing on behalf of respondent No.2 has fairly conceded to this preposition of law and has rather submitted that respondent No.2 may be given liberty to file appropriate application before the competent Forum.

Keeping in view the facts and circumstances, the present petition is allowed and the order dated 17.12.2015 is hereby set aside on

the ground of want of jurisdiction of District Magistrate, with liberty to respondent No.2, to file appropriate application before the Tribunal, if so desire.

19.04.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No