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

**CWP No.15387 of 2018
Date of decision:02.07.2018**

Rajni Bala

...Petitioner

Versus

Deputy Commissioner-cum-District Magistrate Moga & ors.

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Rajiv Kataria, Advocate,
for the petitioner.

Rakesh Kumar Jain, J. (Oral)

The petitioner is a paralytic person who has filed an application under Section 22 and 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as the "Act") before the District Magistrate, Moga. The petitioner's grievance is that the application filed by her is not making any headway, therefore, the present petition has been filed for seeking a direction in this regard.

After going through the petition, I am of the considered opinion that the application filed by the petitioner is itself not maintainable in the eyes of law because in case the application is filed under Section 22 of the Act read with the Action Plan, the jurisdiction lies with the District Magistrate to pass an order of eviction and in case any application is filed under Section 23 of the Act for the purpose of annulling the document of transfer, the jurisdiction vests with the Maintenance Tribunal constituted under Section 7 of the Act. The said Maintenance Tribunal is headed by the Sub Divisional Magistrate and not

by the District Magistrate, who happens to be the Appellate Authority.

Faced with this situation, counsel for the petitioner prays for withdrawal of the present petition with liberty to withdraw the application filed by her before the District Magistrate in order to file it again separately, in accordance with law.

In view of the aforesaid, the present petition is hereby dismissed as withdrawn. In case the petitioner files separate applications under Sections 22 and 23 of the Act, in accordance with law, the concerned Competent Authorities are directed to decide the said applications expeditiously.

July 02, 2018
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned:	Yes/No
Whether Reportable:	Yes/No