

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

**CWP No. 2161 of 2018
Date of Decision: 1.2.2018**

Jeet Singh

.....Petitioner

v.

District Magistrate, Patiala and others

.....Respondents

CORAM HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Ravish Bansal, Advocate, for the petitioner

RAKESH KUMAR JAIN, J.

This petition is filed to challenge the order dated 26.10.2016 passed by the District Magistrate, Patiala, on an application filed under Sections 5 and 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short 'the Act').

At the outset, learned counsel for the petitioner has submitted that first of all the application was not maintainable before the District Magistrate. It is submitted that the petitioner shall avail his remedy in accordance with the provisions of the Act but the finding recorded in the impugned order dated 26.10.2016 may not come in his way.

After hearing learned counsel for the petitioner and taking into consideration the aforesaid facts and circumstances, the present petition is hereby disposed of with an observation that the writ petition against the impugned order is not maintainable because the said order has been passed by the District Magistrate having no jurisdiction to decide the application filed under Sections 5 and 23 of the Act. Therefore, any observation made by the

District Magistrate in the said order, would not have any effect on the application, in case it is filed by the petitioner, before the Tribunal having jurisdiction, in accordance with law.

(RAKESH KUMAR JAIN)
JUDGE

1.2.2018
Ashwani

Speaking/Reasoned	Yes/No
Reportable	Yes/No