

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-30284-2018 (O & M)

Date of decision: 14.12.2018

Kulwant Kaur

.... Petitioner(s)

V/s

Additional Deputy Commissioner (J)-cum Additional District Magistrate,
Ludhiana and ors.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Aman Kashyap, Advocate, for the petitioner.

Mr. Sahil Sharma, DAG, Punjab.

RAJAN GUPTA, J. (Oral)

Petitioner has prayed for quashing of order dated 20.07.2018, Annexure P-6, passed by respondent No.1-Additional Deputy Commissioner (J), Ludhiana, while exercising his powers under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short 'the Act'). It has been primarily contended that the officer allowed the application filed by the applicant-Amrik Singh against his wife under the provisions of the Act.

On the last date of hearing, a copy of the petition was handed over to learned State counsel to enable him to assist the court. He fairly admits today that the provisions of the Act cannot be invoked by a senior citizen against his wife.

Under the circumstances, impugned order, Annexure P-6, is hereby set aside. Matter is remitted to the same authority for a decision afresh as per provisions of the law. The Deputy Commissioner, Ludhiana would, however, ensure that either the matter shall be decided by him or

taken the decision, appears to be oblivious of the provisions of the Act. The State shall be at liberty to examine the legality of other orders passed by the said officer, thereafter, it shall be at liberty to take appropriate decision for his posting.

Allowed in these terms.

December 14, 2018
sukhpreet

(RAJAN GUPTA)
JUDGE

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