

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

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**CWP No. 6300 of 2018
Date of Decision: 14.3.2018**

Harbans Singh and another

.....Petitioners

v.

The District Magistrate, Patiala and others

.....Respondents

CORAM HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Mewa Singh, Advocate, for the petitioners

RAKESH KUMAR JAIN, J.

The petitioners are the senior citizens/parents of one Ranjit Singh. They filed an application under Section 22 (2) of the Maintenance of Parents and Welfare of Senior Citizens Act, 2007 (for short 'the Act') before the Maintenance Tribunal for seeking their eviction. The said application was dismissed by the Maintenance Tribunal against which the petitioner filed an appeal under Section 16 of the Act before the Appellate Tribunal. The Appellate Tribunal has adjourned the hearing of the appeal sine die.

I have heard learned counsel for the petitioners and after perusal of record, am of the considered opinion that the application, filed under Section 22(2) of the Act read with Action plan pertaining to the State of Punjab, is not maintainable before the Appellate Tribunal as it has no jurisdiction because such applications could be filed only before the District Magistrate.

Faced with these observations, learned counsel for the petitioners prays for withdrawal of the present petition and submits that he would

withdraw the appeal also pending before the Appellate Tribunal, in order to file appropriate application, before the District Magistrate, Patiala.

In view of the aforesaid facts and circumstances, the present petition is, thus, hereby dismissed as withdrawn.

In case, the petitioners opt to withdraw their appeal pending before the Appellate Tribunal, Patiala and the application filed before the Tribunal then they are allowed to file appropriate application in terms of Section 22(2) of the Act before the District Magistrate, who only has the jurisdiction to decide such an application.

(RAKESH KUMAR JAIN)
JUDGE

14.3.2018
Ashwani

Speaking/Reasoned	Yes/No
Reportable	Yes/No