

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-1238-2023

Date of decision : 18.08.2023

Dr.Jagatjit Singh Kohli

... Petitioner

Versus

State of U. T. Chandigarh and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHLPresent: Mr.Karan Nehra, Advocate
for the petitioner.Ms.Aditya Jain, Advocate
for respondents no.1 & 2 -U.T. Chandigarh.**VIKAS BAHL, J.(ORAL)**

1. This is a civil writ petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the impugned order dated 10.11.2022 (Annexure P-9) passed by respondent no.2.

2. Learned counsel appearing for respondents no.1 and 2 has submitted that as per notification dated 29.11.2017, against the impugned order, an appeal lies before the District Magistrate. The relevant portion of the said notification is reproduced hereinbelow:-

*“No. SWI/Sr.Citizens Act/2017/7890**Dated: 29/11/17**In partial modification of the Chandigarh Administration Notification No. SWI/Sr. Citizens Act/Tribunals/2008/9752 dated 22.12.2008. the following is hereby added at the end of said notification:**The Administrator, UT. Chandigarh is further pleased to declare the Additional District Magistrate/Additional Deputy Commissioner, Union Territory Chandigarh as the Maintenance Tribunal who shall hear the cases under Sections 21, 22 & 23 of the Maintenance and Welfare of Parents and Senior Citizens Act,*

2007 and the District Magistrate as an Appellate Tribunal, who shall hear the appeals against the order passed under the aforesaid sections of the Act *ibid*.

DATED: 28:11.2017

SECRETARY SOCIAL WELFARE
WOMEN & CHILD DEVELOPMENT
CHANDIGARH ADMINISTRATION”

It is further submitted that in view of the law laid down by the Hon’ble Divison Bench of this Court in ***Paramjit Kumar Saroya Vs. Union of India and another***, reported as ***2016(3) RCR (Civil) 146***, it is open to any aggrieved person to file an appeal before the Appellate Tribunal which is District Magistrate in the present case.

3. Learned counsel for the petitioner has submitted that respondent no.3 has died in the present case. It is further submitted that in view of the statement of learned counsel for respondents no.1 and 2, he seeks to withdraw the present petition with liberty to file a statutory appeal, in accordance with law.

4. In view of the statement made by learned counsel for the petitioner, the present petition is dismissed as withdrawn with the aforesaid liberty.

(VIKAS BAHL)
JUDGE

August 18, 2023
Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No