

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

(253)

CWP-3168-2023**Date of decision: - 08.08.2023****Manish Walia****....Petitioner****Versus****Presiding Officer and another****.....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Ms. Vaishali Kamboj, Advocate, for the petitioner.

Mr. Amandeep Joshi, DAG, Haryana.

Mr. Amarjit Singh Virk, Advocate
for respondent No.2.

VIKAS BAHL, J. (ORAL)

1. This writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for setting aside the impugned order dated 18.10.2022 (Annexure P-3), passed by respondent No.1 i.e. Sub-Divisional Officer (C)-cum-President, Citizen/Mother-Father Maintenance, Naraingarh, vide which the release deed has been cancelled.

2. On 04.08.2023, this Court was pleased to pass the following order: -

“Learned State counsel as well as learned counsel for respondent No.2 have jointly submitted that the impugned order has been passed by the Sub-Divisional Officer (O)-cum-President Citizen/Mother-Father Maintenance, Naraingarh under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and by virtue of the said order, the release deed has been cancelled

and the said order is appealable in view of the judgment passed by the Hon'ble Division Bench of this Court in 'Paramjit Kumar Saroya Vs. Union of India and another', reported as 2016(3) RCR (Civil) 146, whereas, in the present writ petition in paragraph No.17, it has been mentioned that no other remedy of appeal or revision is available.

Learned counsel for the petitioner prays for an adjournment to get instructions in the matter.

Adjourned to 08.08.2023.

To be taken up at 11.30 AM.

It is made clear that no further adjournment shall be granted in the present matter.

August 04, 2023
naresh.k"

(VIKAS BAHL)
JUDGE

3. Learned counsel for the petitioner, in view of the above, seeks to withdraw the present writ petition with liberty to file a statutory appeal before the appellate authority. It is prayed that since the petitioner was pursuing the present remedy, therefore, in case the petitioner files the statutory appeal within a period of 30 days from today, then, the appellate authority be directed not to dismiss the said appeal solely on the ground of limitation.

4. In view of the above, the present writ petition is dismissed as withdrawn, with the aforesaid liberty.

5. In case the petitioner files any such appeal within a period of 30 days from today, then, the appellate authority would not dismiss the said appeal solely on the ground of limitation.

August 08, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No