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

CWP-4039-2023

Date of decision: 01.08.2023

Vijay and others

...Petitioners

Versus

State of UT Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: None for the petitioners.

Mr. Maheshinder Singh Sindhu, Advocate and
Mr. Prateek Rathee, Advocate for respondent Nos.1 and 2.

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, order or direction in the nature of certiorari for setting aside the orders dated 08.12.2022 and 31.01.2023 (Annexures P-10 and P-11) passed by respondent No.2, vide which, the eviction order has been passed against the petitioners and the SHO concerned has been directed to comply with the said orders.

2. Learned counsel appearing on behalf of UT Chandigarh has referred to the Notification dated 01.12.2017, as per which, the Administrator, UT Chandigarh has declared the Additional District Magistrate/Additional Deputy Commissioner as the Maintenance Tribunal and the said authorities are entitled to hear the cases under Sections 21, 22

and 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and the District Magistrate has been made as an Appellate Tribunal. Relevant portion of the said order is reproduced hereas under:-

*“SOCIAL WELFARE WOMEN & CHILD DEVELOPMENT
DEPARTMENT CHANDIGARH ADMINISTRATION
NOTIFICATION*

No.PA/DC/10161

Date: 01.12.2017

No. SW1/Sr. Citizens Act/2017/7890

Dated: 29/11/17

In partial modification of the Chandigarh Administration Notification No.SW1/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.

*SECRETARY SOCIAL WELFARE
WOMEN & CHILD DEVELOPMENT*

DATED: 28.11.2017 CHANDIGARH ADMINISTRATION

*No. SW1/Sr. Citizens Act/2017/7891-97 Dated Chandigarh
the 29/11/17”*

3. Learned counsel appearing on behalf of UT Chandigarh has further submitted that in view of the said notification, since, the present order has been passed by the Maintenance Tribunal, appeal would lie before

the District Magistrate/Appellate Tribunal. It is further submitted that in para 16 of the present writ petition, it has been wrongly averred that there is no alternative remedy to appeal or revision.

4. Although, the case has been called twice, but no one has put in appearance on behalf of the petitioners in order to rebut the abovesaid aspect.

5. Accordingly, the present Civil Writ Petition is dismissed for non-prosecution.

6. Liberty, is however granted to the petitioners to move an application for restoration of the present case or to file a fresh petition, in case, any cause survives to them.

01.08.2023
Pawan

(VIKAS BAHL)
JUDGE

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