

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

(211)

CWP-16542-2022

Date of decision: - 16.08.2023

Sardar Baldev Singh**....Petitioner****Versus****State of Haryana and others****.....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Sudeep Mahajan, Advocate
for the petitioner.

Mr. Amandeep Joshi, DAG, Haryana
for respondents No.1 to 3.

Ms. Jannat Duhan, Advocate
for respondent No.4.

Mr. Jagatjeet Singh, Advocate
for respondent No.5.

VIKAS BAHL, J. (ORAL)

1. This writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the order dated 09.05.2022 (Annexure P-3) passed by the Sub-Divisional Magistrate-cum-Presiding Officer, Ballabgarh, under Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short 'Act of 2007').

2. Learned counsel appearing on behalf the private respondents have pointed out that as the impugned order has been passed by the Sub-Divisional Magistrate-cum-Presiding Officer, Ballabgarh under the Act of

2007, the statutory appeal under Section 16 of the Act of 2007 lies against the same before the appellate authority.

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. It is further prayed that since the petitioner is 80 years of age, thus, in case, an appeal is filed by the petitioner within a period of one month from today, the appellate authority be directed to decide the same as expeditiously as possible

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 In view of the above, the present writ petition is dismissed as withdrawn, with the aforesaid liberty.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. The appellate authority is requested to decide the said appeal as expeditiously as possible.

August 16, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No