

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(103)

CWP-22708-2023

Date of decision: - 09.10.2023

Suresh and another

....Petitioners

Versus

Additional Deputy Commissioner-cum-Maintenance Tribunal, U.T.,
Chandigarh and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Priyavrat Parashar, Advocate, for the petitioners.

VIKAS BAHL, J. (ORAL)

1. This writ petition has been filed under Articles 226/227 of the Constitution of India for the issuance of a writ, order or direction in the nature of certiorari for quashing/setting aside order dated 08.09.2023 (Annexure P-14) passed by the Additional Deputy Commissioner-cum-Maintenance Tribunal, U.T. Chandigarh.

2. As per the 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"

3. Learned counsel for the petitioners, in view of the above-said notification as well as in view of the law laid down 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, seeks to withdraw the present petition with liberty to the petitioners to file a statutory appeal against the impugned order before the appellate Tribunal.

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 In view of the statement made by learned counsel for the petitioners, the present petition is dismissed as withdrawn with the aforesaid liberty.

October 09, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No