

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(102)

CWP-23049-2023

Date of decision: - 12.10.2023

Kiran Sihag Dagar

....Petitioner

Versus

Sub Division Magistrate-cum-Presiding Officer Hisar and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Arun Singla, Advocate, for the petitioner.

Ms. Rajni Gupta, Additional Advocate General, Haryana.

VIKAS BAHL, J. (ORAL)

1. This writ petition has been filed under Articles 226/227 of the Constitution of India for the issuance of an appropriate writ, order or direction especially in the nature of certiorari for setting aside the impugned order dated 26.04.2023 (Annexure P-3) passed by respondent No.1. Challenge is also made to order/letter dated 13.09.2023 (Annexure P-4).

2. Learned State counsel has pointed out that an appeal against the impugned order dated 26.04.2023 (Annexure P-3) lies before the Appellate Tribunal under Section 16 of The Maintenance And Welfare Of Parents And Senior Citizens Act, 2007 (for short 'Act of 2007'), in which, it has been stated that under Section 16 of Act of 2007, appeal lies against 'an order' passed by the Tribunal and since in the present case, order dated

13.04.2022 (Annexure P-1) has also been passed by the Tribunal, thus, an appeal would lie under Section 16 of the Act of 2007. It is further submitted that in view of 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, any person, who is aggrieved, has a right to file an appeal.

3. Learned counsel for the petitioner has submitted that in view of the said objection, he seeks permission of this Court to withdraw the present Civil Writ Petition with liberty to the petitioner to file an appeal under Section 16 of the Act of 2007 before the appellate authority.

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 In view of the above, the present writ petition is dismissed as withdrawn, with the aforesaid liberty.

October 12, 2023

naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No