

CWP-27417-2023

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2023:PHHC:155468

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-27417-2023

Date of decision : 06.12.2023

Upasana Sharma

... Petitioner

Versus

Additional Deputy Commissioner-cum-Maintenance Tribunal and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Abdul Shehbaz Thind, Advocate
for the petitioner.

Mr.Keshav Gupta, Advocate
for respondents no.2 and 3

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing the order dated 23.11.2023 passed by respondent no.1.

2. As per 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 petitioner, in view of the above said notification as well as in view of 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 petitioner 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 In view of the statement made by learned counsel for the petitioner, the present petition is dismissed as withdrawn with the aforesaid liberty.

(VIKAS BAHL)
JUDGE

December 06, 2023.
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No