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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-1895-2024

Date of decision: 30.01.2024

Monika

...Petitioner

Versus

Additional Deputy Commissioner-cum-Maintenance Tribunal and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ritesh Pandey, Advocate for the petitioner.

Dr. Neha Awasthi, Additional Standing Counsel with
Mr. Ankit Midha, Jr. Panel Counsel for respondent No.1.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Article 226/227 of the Constitution of India praying for an issuance of a writ in the nature of certiorari for quashing the order dated 12.01.2024 (Annexure P-7) passed by respondent No.1 vide which direction has been given to the petitioner to vacate matrimonial house.
2. Learned counsel for respondent No.1 has submitted that 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. It is further submitted that 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, the petitioner is also an aggrieved person so as to file an appeal before the Appellate Tribunal.

4. Learned counsel for the petitioner has submitted that in view of the said objection, he seeks permission of this Court to withdraw the present writ petition with liberty to the petitioner to file an appeal before the Appellate Tribunal in accordance with the Notification dated 29.11.2017.

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 In view of the above, the present writ petition is dismissed as withdrawn with liberty aforesaid.

30.01.2024

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No