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

CWP-11148-2024

Date of decision: 14.05.2024

Kulwant Singh Sekhon

...Petitioner

Versus

District Magistrate-cum-Authority and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Chetan Bansal, Advocate for the petitioner.

Mr. TPS Walia, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Article 226 of the Constitution of India for the issuance of a writ in the nature of mandamus directing respondent No.1 to entertain and decide the petition filed by the petitioner under the Maintenance and Welfare of Parents & Senior Citizen Act, 2007.

2. Learned State Counsel has submitted that as per the latest instructions No.37848 dated 18.12.2023, even petition seeking eviction would lie before the Sub Divisional Magistrate-cum-Maintenance Tribunal and the petition filed by the petitioner (Annexure P-1) before the District Magistrate would not be maintainable. It is further submitted that the instructions dated 17.02.2023 have been superceded by the instructions



dated 18.12.2023 which now hold the field. Learned State Counsel has also referred to the judgment dated 18.12.2023 passed by this Court in CWP-27195-2023 titled as Gurdial Singh Vs. State of Punjab and others, in which the said instructions have been reproduced.

3. Learned counsel for the petitioner, in view of the same, seeks permission of this Court to withdraw the present writ petition as well as petition (Annexure P-1) with liberty to the petitioner to file a petition for eviction before the competent authority in accordance with the instructions dated 18.12.2023 and has prayed that in case any such petition is filed, then, the same be considered, as expeditiously as possible, since the petitioner is a senior citizen.

4. In view of the above, the present Civil Writ Petition is dismissed as withdrawn with liberty to the petitioner to institute a fresh petition in accordance with instructions dated 18.12.2023 and in case any such petition is filed then the competent authority would consider and decide the same, as expeditiously as possible, in accordance with law, after hearing all the necessary parties.

14.05.2024

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No