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

CWP-22832-2021

Date of decision: 20.05.2024

Sudhir Kumar and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. D.K. Sharma, Advocate for the petitioners.

Mr. Naveen Singh Panwar, DAG, Haryana.

Mr. Padamkant Dwivedi, Advocate for respondent No.3.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Article 226/227 of the Constitution of India for the issuance of a writ in the nature of certiorari for setting aside the impugned order dated 30.03.2021/26.07.2021 (Annexure P-8) passed by the Additional District Magistrate.

2. Learned counsel for the petitioners has submitted that against the impugned order, an appeal lies under Section 16 of The Maintenance And Welfare Of Parents And Senior Citizens Act, 2007 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**, and thus, he seeks permission of this Court to withdraw the present



Civil Writ Petition with liberty to the petitioners to file a statutory appeal before the concerned authority. It is further submitted that in case the petitioners file the said appeal within a period of one month from today, then the Appellate Authority be directed not to dismiss the same solely on the ground of limitation as the petitioners were pursuing the present remedy of writ petition.

3. In view of the above, the present Civil Writ Petition is dismissed as withdrawn with liberty aforesaid.

4. It is made clear that in case the said appeal is filed within a period of one month from today, then the Appellate Authority would not dismiss the same solely on the ground of limitation as the petitioners were pursuing the present remedy of writ petition.

20.05.2024

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No