

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

**104**

**CWP-4108-2025 (O&M)**

**Date of Decision : November 27, 2025**

**DHARAM PAL VIJ**

**-PETITIONER**

**V/S**

**THE ADDITIONAL DEPUTY COMMISSIONER CUM APPELLATE  
AUTHORITY, JAGRAON AND OTHERS**

**-RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Himanshu Choudhary, Advocate, and  
Mr. Govind Chauhan, Advocate, for  
Mr. Kulwant Singh, Advocate  
for the petitioner.

Mr. Sahil R. Bakshi, A.A.G., Punjab.

Mr. Aayush Gupta, Advocate  
for the respondent No.3.

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**KULDEEP TIWARI, J. (ORAL)**

1. Aggrieved by the order dated 13.09.2022 passed by the Presiding Officer, Maintenance Tribunal-cum-Sub-Divisional Magistrate, whereby his application under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as “the Act of 2007”) seeking cancellation of the transfer deed dated 17.05.2021 was dismissed, the petitioner preferred a statutory appeal under Section 16 of the Act of 2007 before the Appellate Tribunal. The Appellate Tribunal, vide order dated 22.02.2024, upheld the order dated 13.09.2022 but directed the respondent No.3 to pay a maintenance allowance of ₹10,000/- to the petitioner. Since the petitioner’s prayer for cancellation of the transfer deed has thus been declined at both stages, he has filed the

present writ petition challenging the said order.

2. The principal contention advanced by learned counsel for the petitioner is that the impugned order has been passed by an authority devoid of statutory jurisdiction, and therefore, warrants interference on this ground alone. It is submitted that, in view of the Punjab Government Notification bearing No. 8/10/2008-8SS/542 dated 15.07.2008, and in exercise of powers conferred under Sections 7(1)&(2) and 15(1)&(2) of the Act of 2007, the Governor of Punjab constituted the Maintenance Tribunals/Appellate Tribunals. Their jurisdictions for the implementation of the Act of 2007 are as under:-

| Sr. No. | Name of the Tribunal | Jurisdiction                           | Presiding Officer of the Tribunal               |
|---------|----------------------|----------------------------------------|-------------------------------------------------|
| 1.      | Maintenance Tribunal | Sub Division of the District concerned | Sub Divisional Magistrate of the area concerned |
| 2.      | Appellate Tribunal   | District concerned                     | District Magistrate of the area concerned       |

3. Consequently, it is submitted that since the impugned order has not been passed by the statutory authority, i.e. District Magistrate, rather has been passed by an authority exercising sub-delegated powers, i.e. Additional Deputy Commissioner, Jagraon (Camp at Ludhiana), it deserves to be set aside.

4. This Court posed a specific query to learned State counsel as to whether, under the statutory provisions, the District Magistrates/Presiding Officers of the Appellate Tribunals are competent to sub-delegate the quasi-judicial functions and powers vested in them by statute. Learned State counsel has fairly conceded that such functions and powers cannot be sub-delegated.

5. Moreover, learned State counsel has furnished a copy of the instructions dated 27.10.2025, issued by the Directorate Social Security and Women & Child Development, Punjab, wherethrough it has been categorically clarified to all the concerned authorities that the District Magistrates/Presiding Officers of the Appellate Tribunals constituted under the Act of 2007 are not authorized to sub-delegate their quasi-judicial functions and powers to any subordinate or other officer, irrespective of rank or competence. The relevant portion of the instructions is extracted hereunder:-

“To

*All District Magistrates/Presiding Officers,  
Appellate Tribunal Constituted under Sections 15(1) &  
15(2) of The Maintenance and Welfare of Parents and  
Senior Citizens Act, 2007.*

*No. P-3(SS)/2025/82189*

*Dated, Chandigarh 27-10-2025*

*Sub: Implementation of the Hon'ble High Court Order dated  
26.09.2025 in CWP No. 27866 of 2025 - Davinder Singh vs.  
Additional District Magistrate & Others.*

*In continuation of this Department's Notification No.  
8/10/2008-8SS/798 dated 27th August 2008, (Flag-A) whereby the  
District Magistrates were designated as Presiding Officers of the  
Appellate Tribunals constituted under The Maintenance and  
Welfare of Parents and Senior Citizens Act, 2007, attention is  
invited to the recent directions issued by the Hon'ble Punjab and  
Haryana High Court, Chandigarh, in CWP No. 27866 of 2025 -  
Davinder Singh vs. Additional District Magistrate & Others  
decided on 26.09.2025. (Flag-B)*

*2. The Hon'ble Court has categorically clarified that the District  
Magistrates/Presiding Officers of the Appellate Tribunals  
constituted under the said Act are not authorized to sub-delegate  
their quasi-judicial functions and powers to any subordinate or  
other officer, irrespective of rank or competence.*

3. Pursuant to the said judgment, the Office of the Worthy Chief Secretary to Government of Punjab, vide letter No.OSD(L)/CS/2025/64708997 dated 09.10.2025, (Flag-C) has directed that the above order be circulated to all concerned authorities for meticulous compliance.(Copy enclosed along with Hon'ble Court orders).

4. It is, therefore, requested to ensure strict and prompt compliance with the aforesaid directions of the Hon'ble High Court and the Chief Secretary's Office. It may further be ensured that a copy of these orders is circulated to all Sub-Divisional Magistrates under your jurisdiction for necessary action and adherence.

5. Non-compliance may attract adverse observations from the Hon'ble Court; therefore, the matter may be treated as Top Priority.

*Encls. As above."*

6. In view of the above, the impugned order does not pass the test of legality and requires interference of this Court. Consequently, **the impugned order is set aside** and the **matter is remanded** to the District Magistrate -cum- Presiding Officer, Appellate Tribunal, for fresh adjudication in accordance with Section 16 of the Act of 2007. Both the parties are directed to cause appearance before the District Magistrate -cum- Appellate Tribunal on 15.12.2025, whereupon the latter shall make an endeavour to decide the matter preferably within six weeks, but after affording adequate opportunity of hearing to the parties.

7. **Disposed of accordingly.**

8. Pending application also stands disposed of accordingly.

**November 27, 2025**  
**devinder**

**(KULDEEP TIWARI)**  
**JUDGE**

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether Reportable        | : | Yes/No |