



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

CWP-8331-2025

Date of Decision : 19.08.2025

MANGLA DEVI

.....Petitioner

VERSUS

**DISTRICT MAGISTRATE CUM APPELLATE MAINTENANCE
TRIBUNAL UNION TERRITORY OF CHANDIGARH AND
OTHERS**

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Abhishek Sobti, Advocate,
for the petitioner.

Mr. Rakesh Sobti, Advocate alongwith
Mr. Tanmoy Gupta, Advocate,
for respondents no.1 and 2-UT, Chandigarh.

Mr. Jagan Nath Bhandari, Advocate,
for respondent no.3 (through V.C.)

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, challenge is thrown to the order dated 25.10.2024 (Annexure P-3), rendered in appeal bearing no. 19/2023, instituted by respondent no.3, wherethrough, the appellate authority (respondent no.1) instead of deciding the appeal on merits, proceeded to remand back the matter to the Additional Deputy Commissioner-cum-Maintenance Tribunal, UT, Chandigarh (respondent no.2).

2. Vide order dated 25.03.2025, notice of motion was issued in the instant petition by the co-ordinate bench. The relevant of which is extracted hereinafter:-

*“Learned counsel for the petitioner argues that once an appeal has been filed against the order passed by the Tribunal, the Appellate Authority has to decide the same rather than remanding the case back and the same is contrary to the settled principle of law settled by the Coordinate Bench of this Court while passing order in **CWP No.25148 of 2018 titled as Surindera Devi vs. State of Punjab and others**, decided on 14.07.2022, which judgment has been followed by this Court while passing order in **CWP No.22898 of 2024 titled as Kulwant Singh vs. Additional District Magistrate-cum-Appellate Tribunal, Amritsar and others**, decided on **13.02.2025** hence, the impugned order dated 25.10.2024 (Annexure P-3) is liable to be set aside.”*

3. While drawing order (*supra*) the co-ordinate bench also restrained the Tribunal concerned, not to pass any order on the basis of the remand order dated 25.10.2024, passed by the appellate authority.

4. In pursuance of notice issued vide order (*supra*) Mr. Jagan Nath Bhandari, Advocate, has caused appearance through video conferencing, and undertakes to file a validly executed power of attorney in his favour within 15 days from today, with the Registry of this Court.

5. Learned counsel appearing for respondent no.3 submits that he is in concurrence with the submissions, as also extracted above, made by learned counsel for the petitioner to the effect that the appellate authority (respondent no.1) ought to have adjudicated the matter on merits, instead of remanding back to the Tribunal concerned (respondent no.2).

6. In view of the consensus arrived at between the petitioner and the respondents, this Court deems it appropriate to remand the present matter to the appellate authority, i.e., respondent No.1, with a *mandamus* to adjudicate the appeal afresh, on its own merits, and in accordance with law.

7. As a consequence, the impugned order (*supra*) is hereby set aside. The matter is remanded to the appellate authority concerned, for a fresh decision.

8. Further, the petitioner and respondent no.3, are directed to cause their personal appearance before the appellate authority (respondent no.1), on dated 28.08.2025, and thereupon, the latter concerned, shall proceed to decide the matter most expeditiously, on its own merits, as per law.

9. **Disposed of** accordingly.

August 19, 2025
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No