



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

CWP-16102-2023 (O&M)

Date of decision: 20.11.2025

Dimple and another

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Sonpreet Singh Brar, Advocate,
for the petitioners.

Mr. T.P.S. Walia, AAG, Punjab.

Mr. Ankush Rampal, Advocate,
for respondent No.4.

KULDEEP TIWARI, J. (Oral)

1. The instant writ petition challenges the order dated 29.03.2023 (Annexure P-8), vide which, the learned Additional Deputy Commissioner, Khanna, has allowed the appeal preferred by respondent No.4 (mother), under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, (the Act of 2007).

2. In brief, the relevant facts, as set out in the application, are that the petitioners (daughter and son-in-law) allured the senior citizen that they would maintain her, by meeting out her every basic necessity, and would not alienate or transfer the subject property. In this regard, an agreement dated 03.12.2014, was also reduced to writing. Whereafter, the senior citizen executed the transfer deed in favour of her daughter-petitioner No.1.

However, when the petitioners backtracked from their promise of

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maintaining the senior citizen, and also started maltreating her, she was left with no option, but to prefer an application under Section 23 of the Act of 2007, for cancellation of transfer deed bearing vasika No. 7448, dated 04.12.2014, qua House No.136, situated at Gopal Nagar, Haibowal Khurd, Ludhiana, which was transferred in favour of Dimple-petitioner No.1.

3. Upon consideration of the matter, the learned Maintenance Tribunal dismissed the application of the senior citizen, but obligated the petitioners to deposit an amount of Rs.4,000/- per month, in her account. Fetching grievance from the order (supra), she preferred a statutory appeal alleging that apart from the property in question, the petitioners also possessed a house, which was purchased with the funds of respondent No.4. Taking cognizance of the matter, the learned Additional Deputy Commissioner, vide impugned order dated 29.03.2023 (Annexure P-8), acceded to the request of the senior citizen and allowed the appeal, thereby cancelling the transfer deed.

4. Learned counsel for the petitioner submits that, in fact, the property in question was not transferred by the senior citizen in favour of her daughter, but was purchased by her. To substantiate his submission, attention of this Court is drawn towards the sale deed, wherein, it was specifically depicted that the house, as referred to above, is transferred in favour of the petitioner, for a sale consideration of Rs.9,00,000/-. Thus, the case at hand does not fall within the sphere of the Act of 2007.

5. The second facet of his submissions is that the impugned order has been passed by the Additional Deputy Commissioner, who is devoid of statutory jurisdiction, and thus, interference of this Court is warranted on

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this ground alone. In this regard, he takes the Court through the Punjab Government Notification bearing No. 8/10/2008-8SS/542 dated 15.07.2008, whereby, 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, and 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

6. Thus, it is urged that since the impugned order has not been passed by the statutory authority, i.e. District Magistrate, but by an authority exercising sub-delegated powers, i.e. Additional Deputy Commissioner, Khanna, the same is liable to be set aside.

7. At this stage, without expressing any opinion on the first submission advanced on behalf of the petitioners, lest it prejudice the rights/interest of any of the contesting parties, this Court has posed a specific query to the 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. In response, he fairly concedes that such functions and powers cannot be sub-delegated. Moreover, he has furnished a copy of the instructions dated 27.10.2025, issued by the Directorate Social Security and Women & Child

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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*

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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.”

8. Given the abovesaid undisputed position, this Court does not consider it expedient to proceed further with the matter on merits. Consequently, the impugned order is **set aside**, and the matter is **remitted** to the District Magistrate-cum-Appellate Tribunal, concerned, for adjudication afresh, 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 at 11:00 AM, whereupon, the latter shall make an endeavour to decide the matter preferably within two months, after affording adequate opportunity of hearing to the parties.

9. **Disposed of, accordingly.**

(KULDEEP TIWARI)
JUDGE

20.11.2025
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No