

2025:PHHC:171662



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

CWP-25849-2024 (O&M)

Date of decision: 09.12.2025

Chattar Singh

....Petitioner

Versus

District Magistrate, Panipat and others

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Divyam Singh, Advocate, and
Mr. Yuvraj Singh, Advocate, for
Mr. Vikram Singh, Advocate, for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

Mr. Navjeet Singh, Advocate, for
Mr. Manoj Kumar Taya, Advocate,
for respondents No.6 and 7.

KULDEEP TIWARI, J. (Oral)

1. By way of instant writ petition, as cast under Articles 226/227 of the Constitution of India, the petitioner, who is a senior citizen, assails the order dated 04.07.2024 (Annexure P-4), vide which, his application, preferred under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short, 'the Act') seeking eviction of the private respondents from his residential house, has been dismissed by the learned District Magistrate, Panipat.

2. At the outset, learned counsel for the petitioner, instead of joining issues on merits, fairly submits that, in fact, the order under challenge has been passed by an authority devoid of statutory jurisdiction. He submits that though the application in question was preferred before the learned Maintenance Tribunal, Panipat, in terms of

2025:PHHC:171662



the provisions of the Act, but the same was erroneously transferred to the learned District Magistrate, who, vide impugned order, has dismissed the same. In this view of the matter, the impugned order is liable to be set aside. To lend credence to the submissions, he places reliance upon a verdict dated 10.11.2025, drawn by this Court in **CWP-17393-2018** **(Ranjit Kaur Vs. State of Haryana and others)**.

3. Learned counsel for respondents No.6 and 7 fails to refer to any judicial pronouncement, so as to refute the abovesaid factual aspect of the matter.

4. This Court has heard learned counsel for the parties, and perused the record.

5. The issue, as raised by learned counsel for the petitioner, has already been contemplated by this Court in **CWP-17393-2018**, thereby, holding that the application embodying the prayer for eviction can very well be adjudicated by the learned Maintenance Tribunal itself, in terms of the Act. Concededly, in the matter at hand, the petitioner had preferred the application (supra) before the learned Maintenance Tribunal, therefore, the same ought to have been decided by the Tribunal itself, rather than the learned District Magistrate.

6. At this juncture, it would be expedient to refer to the relevant observations made in the judgment (*ibid*), and the same are extracted hereinbelow:-

17. It is also pertinent to record here that the complaint/application filed by respondent No.4 under Section 22(2) is not maintainable before the District Magistrate, as such applications lie before the Maintenance Tribunal presided

2025:PHHC:171662



over by the Sub-Divisional Magistrate. The issue is no longer res integra, as it has been consistently held that applications seeking eviction orders under the Act of 2007 are required to be filed before the Maintenance Tribunal-cum-Sub-Divisional Magistrate and not before the Appellate Tribunal-cum-District Magistrate. A similar issue was considered by this Court in CWP-22501-2021, which was disposed of on 27.10.2025 with the following observations:

“5. This Court has heard the submissions made by the learned counsel for the parties concerned, and has also examined the issue. In Gurdial Singh (supra) case, the Coordinate Bench of this Court, has held that since the notification has been issued by the State of Punjab, wherethrough, the powers have been bestowed with the Maintenance Tribunal, to adjudicate the application seeking eviction. The relevant extract from the said judgment is extracted hereinafter:-

“4. A perusal of the above instructions would show that in view of the judgment passed by the Hon'ble Supreme Court and by this Court, it has been decided by the State of Punjab that the Maintenance Tribunal can pass the eviction orders in view of the provisions of Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act as there is no bar regarding the same but the District Magistrate cannot pass the eviction orders on account of the judgment dated 23.01.2020 passed by a Coordinate Bench in CWP-4744-2018 titled 'Simrat Randhawa Vs. State of Punjab'.

5. Learned counsel for the petitioner has submitted that in the present case, he had filed an application before the Additional Deputy Commissioner, Patiala in pursuance of the District Magistrate having delegated its powers under Section 22 to the Additional Deputy Commissioner, Patiala and thus, he states that he may be permitted to withdraw the said application with liberty to file a fresh application before the Maintenance Tribunal in

2025:PHHC:171662



accordance with the latest instructions issued by the State of Punjab.

6. Learned counsel appearing for respondent No.3 and 4 has submitted that in case any such application is filed, respondents No.3 and 4 be permitted to raise all the pleas which are available to them, in accordance with law.

7. Keeping in view the above said facts and circumstances, the present writ petition is disposed of with the following directions:-

(i) It would be open to the petitioner to file an application for eviction in addition to other pleas that he might wish to raise before the Maintenance Tribunal.

(ii) The Maintenance Tribunal would decide the same after hearing all the parties concerned and after giving due opportunity to file reply to respondents No.3 and 4.

(iii) The Maintenance Tribunal would also take into consideration the instructions dated 18.12.2023 passed by the State of Punjab and decide the matter, in accordance with law.

(iv) The filing of the earlier petition by the Senior Citizen before the District Magistrate/ADA and the order passed thereon by the said authority, would not come in the way of the petitioner instituting the fresh proceedings before the Maintenance Tribunal in view of the instructions dated 18.12.2023 of Government of Punjab. The above said earlier petition would be deemed to have been withdrawn, with liberty to file a fresh petition, as detailed in the present order.

(v) In case any such petition is filed by the Senior Citizen, the Maintenance Tribunal is requested to decide the same, as expeditiously as possible.”

6. In view of the above propositions laid down by Coordinate Bench of this Court, the issue, as involved in the instant writ petition, is also squarely covered therein. Therefore, the impugned order is set aside, and the Deputy Commissioner concerned, is directed to transfer the original application to the

2025:PHHC:171662



learned Maintenance Tribunal concerned, and upon such transfer, the Sub Divisional Magistrate, concerned, after giving due opportunity of hearing to both the parties, shall decide the application afresh, in accordance with the provisions of the Act of 2007.”

7. In the wake of the position sketched out above, this Court is not required to delve any further into the merits of the matter. Accordingly, the impugned order dated 04.07.2024 (Annexure P-4), is **set aside**, and the matter is remitted to the learned Maintenance Tribunal, Panipat, for decision afresh, in accordance with law.
8. Consequently, the District Magistrate, Panipat, is directed to transmit the original complaint/application to the Sub-Divisional Magistrate-cum-Presiding Officer, Maintenance Tribunal concerned, forthwith, upon receipt of a certified copy of this order. Whereafter, the learned Maintenance Tribunal shall decide the matter, as expeditiously as possible, but in any case, within a period of 08 weeks from the receipt of a certified copy of this order.
9. Needless to assert that the necessary orders shall be passed only after due compliance of the provisions of the Act, and the apposite Rules, including due opportunity of hearing to the parties concerned and leading evidence, if any.
10. **Disposed of accordingly.**

(KULDEEP TIWARI)
JUDGE

09.12.2025
Ak Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No