

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

106

CWP-25189-2023 (O&M)

Date of Decision : September 11, 2025

BHOLA SINGH

-PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Manjot Singh Tiwana, Advocate for
Mr. Neesh Garg, Advocate
for the petitioner.

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

Mr. Sahil Khunger, Advocate
for the respondent No.3.

KULDEEP TIWARI, J. (ORAL)

CM-18965-CWP-2023

1. As prayed for, the instant application is **allowed**. Learned counsel for the petitioner is granted leave to file this writ petition without Number of Roll of Advocate.

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2. Through this writ petition, a challenge has been laid to the order dated 06.09.2023, whereby the respondent No.2- District Magistrate-cum-Deputy Commissioner, Mansa, has dismissed the petition filed by the petitioner under Section 22(2) of The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as the 'Act of 2007').

3. At the outset, learned counsel appearing for the contesting litigants are *ad idem* that the petition under Section 22(2) of the Act of 2007

ought to have been decided by the Maintenance Tribunal concerned, but it has erroneously been decided by the District Magistrate, who is otherwise the appellate authority.

4. Learned State counsel has also placed reliance upon a judgment rendered by a Co-ordinate Bench of this Court on 18.12.2023, in CWP-27195-2023, wherein an issue alike the one at hand has already been considered. The relevant paragraph of the verdict dated 18.12.2023 is extracted hereunder:-

“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.

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

5. Consequently, this writ petition is also **disposed of** in terms of the verdict dated 18.12.2023, as drawn upon CWP-27195-2023.

September 11, 2025	(KULDEEP TIWARI)
devinder	JUDGE
Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No