

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

105

CWP-30664-2025

Date of Decision : November 11, 2025

SANDEEP KUMAR

-PETITIONER

V/S

**PRESIDING OFFICER, MAINTENANCE APPELLATE TRIBUNAL/
DISTRICT MAGISTRATE, FAZILKA AND OTHERS**

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Ms. Riffi Birla, Advocate
for the petitioner.

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

Mr. Gursimranjit Singh, Advocate
for the respondents No.2 to 4.

KULDEEP TIWARI, J. (ORAL)

1. The instant writ petition impugns the order dated 21.08.2025, whereby the Appellate Tribunal allowed the appeal filed by the respondent No.2 and set aside the order dated 02.01.2025 passed by the Maintenance Tribunal. Moreover, the Transfer of Ownership Document No. 2022-23/56/1/2085 dated 08.09.2022 and the mutation sanctioned on the basis thereof were also cancelled.

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 Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as ‘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, Fazilka, it deserves to be set aside.

4. Learned counsel for the respondents No.2 to 4 has filed a reply dated 11.11.2025, which is taken on record.

5. 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.

6. 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."

7. 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-Appellate Tribunal, Fazilka, 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 18.11.2025, 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.

8. **Disposed of accordingly.**

November 11, 2025
devinder

(KULDEEP TIWARI)
JUDGE

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