

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

107

CWP-4060-2026

Date of Decision : March 20, 2026

MADAN LAL AND ANR.

-PETITIONERS

V/S

ADDITIONAL DEPUTY COMMISSIONER AND ORS.

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Nipun Verma, Advocate (Through V.C.)
for the petitioners.

Mr. Bhupender Singh, Addl. A.G., Haryana.

Mr. Dheeraj Narula, Advocate
for the respondent No.3.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, the petitioners, senior citizens, seek to challenge and set aside the order dated 31.10.2025 passed by the Appellate Tribunal, whereby the statutory appeal filed by respondent No.3 has been allowed, and the order dated 18.09.2025 passed by the Maintenance Tribunal has been set aside.

2. Succinctly stated, the petitioners filed a petition under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as “the Act of 2007”) before the Maintenance Tribunal, seeking cancellation of the release deed Nos.2867 and 2884 dated 14.12.2022 executed in favour of their sons/respondents No.3 and 4. The Maintenance Tribunal allowed the petition vide order dated 18.09.2025 and cancelled the release deeds in question. Aggrieved thereby, respondent No.3 filed a statutory appeal before the Appellate Tribunal, which has been allowed vide the impugned order dated 31.10.2025, resulting in setting aside of the order dated

18.09.2025.

3. The principal contention advanced by learned counsel for the petitioners 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, vide the notification dated 17.04.2025 issued by the Social Justice, Empowerment, Welfare of Scheduled Castes & Backward Classes and Antyodaya (Sewa) Department, Government of Haryana, the Governor of Haryana has re-constituted the three Member (One Official Member and Two Non-Official Members) Maintenance Tribunal/Appellate Tribunal for District Sirsa. The composition of the Appellate Tribunal, as prescribed in the notification (*supra*), is extracted hereunder:-

Appellate Tribunal, Sirsa		
1.	Deputy Commissioner	Chairman
2.	Shri Shyam Bajaj S/o Shri Sunder Das Bajaj House No. 28, B-Block, Civil Hospital Road, Sirsa Mobile No. 92158 20333	Non-Official Member
3.	Shri Sanjay Mehta (Advocate) S/o Shri Shyam Lal Mehta House No. 28, F-Block, Sirsa. Mobile No. 94167 96097	Non-Official Member

3. Consequently, it is submitted that since the impugned order has not been passed by the statutory designated authority, i.e. Deputy Commissioner, rather has been passed by an authority exercising sub-delegated powers, i.e. Additional Deputy Commissioner, Sirsa, it deserves to be set aside.

4. *Per contra*, learned counsel for the respondent No.3 submits that, under Rule 2(e) of the Haryana Maintenance of Parents and Senior Citizens Rules, 2009, the term “District Magistrate and Collector” includes the Additional District Magistrate of the District. It is, therefore, contended that the Additional Deputy Commissioner was competent to adjudicate the

statutory appeal filed by respondent No.3 and has rightly passed the impugned order.

5. Learned State counsel appearing for respondents No.1 and 2, while acknowledging the merit in the submissions advanced by learned counsel for the petitioners, submits, on instructions, that the Deputy Commissioner, Sirsa, has never sub-delegated the quasi-judicial powers vested in him by statute to the Additional Deputy Commissioner for deciding the statutory appeal filed by respondent No.3. It is further submitted that, in terms of the notification dated 17.04.2025, the competent authority to decide the appeal is the Deputy Commissioner, who has been designated as the Chairman of the Appellate Tribunal.

6. Having considered the submissions of learned counsel for the parties and perused the record, this Court finds that the impugned order does not pass the test of legality, as it has been passed by an authority lacking statutory jurisdiction. Consequently, the **impugned order is set aside** and the matter is remanded to the Deputy Commissioner -cum- Chairman, Appellate Tribunal, for fresh adjudication in accordance with the provisions of the Act of 2007. The parties shall cause appearance before the Appellate Tribunal on 06.04.2026, whereupon the latter shall endeavour to decide the matter expeditiously, after affording adequate opportunity of hearing to all parties concerned.

7. **Disposed of accordingly.**

March 20, 2026
devinder

(KULDEEP TIWARI)
JUDGE

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