



CWP-6737-2023

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

(209)

CWP-6737-2023

Date of Decision : 10.03.2026

Ramandeep

...Petitioner

Versus

District Magistrate and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. P.S. Dhaliwal, Advocate
for the petitioner.

Mr. Siddharth Sandhu, AAG, Punjab.

Mr. Munish Garg, Advocate
for respondents No.4 and 5.

Mr. Mandeep Singh Dhaliwal, Advocate
for respondents No.6 and 7.

KULDEEP TIWARI, J. (ORAL)

1. Fetching grievance from the order dated 03.10.2022 (Annexure P-4), passed by learned Maintenance Tribunal, Dhuri, Sangrur, where through, application preferred by respondent No.3/senior citizen, under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short 'the Act of 2007'), was allowed and transfer of ownership No.2021-22/129/1/1173 dated 22.12.2021, was cancelled. Further, the statutory appeal preferred by the petitioner against the said order was also dismissed by learned Appellate Tribunal cum District Magistrate, Sangrur, vide order dated 22.12.2022 (Annexure P-6). Hence, the present petition.

2. The legality of the impugned order(s) was put to challenge, primarily, on the ground, that same suffers from inherent lack of jurisdiction.



3. Learned counsel for the petitioner has also drawn the attention of this Court towards the order(s) impugned, and submits that both the orders, as passed by Sub Divisional Magistrate, Dhuri, Sangrur as well as, learned Appellate Authority, respectively, are in their individual capacity, and therefore, both the orders (supra), suffers from illegality and cannot be cured, and requires interference of this Court.

4. Learned counsel appearing on behalf of the respondents, though joined the issue on merits. However, they are unable to refute the factual position, to the effect, that the order(s) impugned is void being *coram non judice*.

5. This Court, vide order dated 09.02.2026, had directed the learned State Counsel to have apposite instructions from the quarter concerned, as to whether, on 22.12.2022, Mr. Anmol Singh Dhaliwal, PCS, was posted as District Magistrate, or not, and passed the hereinafter extracted order, upon the instant writ petition :-

“Learned State counsel is directed to have apposite instructions as to whether, Mr. Anmol Singh Dhaliwal, PCS, was posted as District Magistrate, on 22.12.2022 or not?”

6. In deference to the directions (supra), learned counsel for the State, after having instructions from the quarter concerned apprises this Court today that on 22.12.2022, Mr. Anmol Singh Dhaliwal, PCS, was posted as Additional District Magistrate, Sangrur, and not as a District Magistrate, Sangrur.

7. At the outset, this Court has examined the order passed by learned Appellate Authority, who does not vest with the jurisdiction to decide



the same, since the impugned order was passed by learned Additional District Magistrate, Sangrur.

8. Upon being pointedly asked, 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 fairly concedes that such functions and powers cannot be sub-delegated. Further, he has also furnished a copy of the instructions dated 27.10.2025, issued by the Directorate Social Security and Women and 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.”

“Notification

Dated Chandigarh the 27th August, 2008

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 Act of 2007, the Governor of Punjab constituted the Maintenance Tribunals/Appellate Tribunals, and their jurisdictions for the implementation of the Act ibid, as under:-

<i>Sr. No.</i>	<i>Name of the Tribunal</i>	<i>Jurisdiction</i>	<i>Presiding Officer of the Tribunal</i>
<i>1.</i>	<i>Maintenance Tribunal</i>	<i>Sub Division of the District concerned</i>	<i>Sub Divisional Magistrate of the area concerned</i>
<i>2.</i>	<i>Appellate Tribunal</i>	<i>District concerned</i>	<i>District Magistrate of the area concerned</i>



9. In view of the above said conceded position, the impugned order(s) does not pass the test of legality, and requires interference of this Court.

10. Consequently, **the impugned order(s) are set aside** and the **matter is remitted** to the Deputy Commissioner/District Magistrate-cum-Appellate Tribunal, Sangrur, for adjudication afresh, in accordance with Section 16 of the Act of 2007. The Additional Deputy Commissioner, Sangrur, is directed to forthwith, transmit the original record of the case to the Deputy Commissioner/District Magistrate-cum-Appellate Tribunal, concerned.

11. It is also informed to this Court that during the pendency of the instant *lis*, third party rights have been created.

12. Both the parties are directed to cause appearance before the Deputy Commissioner/District Magistrate-cum-Appellate Tribunal concerned, on 25.03.2026 at 11:00 AM, whereupon, the latter shall make an endeavour to decide the matter preferably within four months, after affording adequate opportunity of hearing to the parties concerned.

13. Consequently, the instant writ petition is **disposed of**.

(KULDEEP TIWARI)
JUDGE

March 10, 2026
Manpreet

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