

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

103

CWP-9041-2024

Date of Decision : May 07, 2026

GURBALJIT SINGH

-PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Manjit Singh Khaira, Sr. Advocate, with
Mr. Randeep Singh Khaira, Advocate
for the petitioner.
(Through V.C.)

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

Mr. Manuj Nagrath, Advocate
for the respondent No.3.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, the petitioner assails the order dated 03.01.2024 (Annexure P-10) passed by the respondent No.1-Appellate Tribunal, whereby the appeal filed by the respondent No.2 under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as “the Act of 2007”) was allowed and the order dated 19.12.2022 was set aside.

2. It is pertinent to record at the outset that the initial notice issued to the respondent No.2, in the present proceedings, could not be served, as she was reported to have proceeded abroad. Accordingly, a fresh notice was issued to the address furnished by the respondent No.2 before the authorities below, where she was duly represented. Accordingly, service effected at the said address is deemed to be valid and sufficient service in terms of Order

VI Rule 14-A of the Code of Civil Procedure.

3. The principal contention advanced by learned senior counsel for the petitioner is that the impugned order dated 03.01.2024 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 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

4. 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, Khanna, it deserves to be set aside.

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. Although learned counsel for the respondent No.3 also fairly concedes that the impugned order has not been passed by the statutory authority, as prescribed under the notification dated 15.07.2008, he nevertheless questions the maintainability of the original petition filed by the petitioner under Section 23 of the Act of 2007. It is submitted that the transfer deed in question was executed prior to the enforcement of the Act of 2007, and that the petitioner was not even a senior citizen at the time of execution of the said transfer deed.

8. Having heard learned counsel for the parties and perused the record, this Court has no hesitation in holding that the impugned order dated 03.01.2024 does not pass the test of legality and requires interference of this Court. Consequently, the **impugned order dated 03.01.2024 is set aside and the matter is remanded to the District Magistrate -cum- Presiding Officer, Appellate Tribunal, for fresh adjudication.** Both the parties are directed to cause appearance before the

District Magistrate -cum- Appellate Tribunal on 18.05.2026, whereupon the latter shall endeavour to decide the matter preferably within three months, but after affording adequate opportunity of hearing to the parties. The parties shall be at liberty to raise their respective pleas before the Appellate Tribunal.

9. Disposed of accordingly.

May 07, 2026
devinder

(KULDEEP TIWARI)
JUDGE

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