

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

CWP-9152-2024 (O&M)

Date of decision: 24.02.2026

Col. Sandeep Ahlawat

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Keshav Pratap Singh, Advocate,
for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

Mr. Samarth Sagar, Advocate,
for respondent No.4.

KULDEEP TIWARI, J. (Oral)

1) The instant writ petition, filed under Articles 226/227 of the Constitution of India, is directed against the order dated 31.05.2023 (Annexure P-9), passed by the learned Maintenance Tribunal, constituted under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, vide which, application preferred by the senior citizen (mother of the petitioner) was allowed, and transfer deed was cancelled. Further, the order dated 19.03.2024 (Annexure P-16), is also assailed, as the appeal preferred by the petitioner against the order (*supra*), has also been dismissed.

2) Learned counsel for the petitioner, at the very outset, submits that in view of the notification dated 08.12.2020, prescribing the composition of the Maintenance Tribunals and Appellate Tribunals, the impugned orders are void being *coram non judice*. It is submitted that in terms of the notification (*supra*), both the Maintenance Tribunal and the

Appellate Tribunal are required to comprise three members, with the Sub-Divisional Magistrate and the Deputy Commissioner/District Magistrate acting as their respective Chairman. In the present case, however, the order dated 31.05.2023, was passed solely by the Sub Divisional Officer, whereas, the appeal was decided by only two members, including the District Magistrate, thereby lacking the mandatory coram. In this regard, he refers to the notification dated 01.04.2025, issued by Social Justice, Empowerment, Welfare of Scheduled Castes and Backward Classes and Antyodaya (Sewa) Department, Government of Haryana, vide which, the composition of the learned Maintenance Tribunal, as well as, learned Appellate Authority has been notified, and the relevant part whereof is extracted hereinafter :-

Notification

The 1st April, 2025

No. 40/6/2023-4SW.— *In continuation of the Haryana Government Notification No. 1041-SW(4)-2020, dated 08.12.2020, the Governor of the Haryana is pleased to reconstitute the three Member (One Official Member and Two Non-Official Members) Maintenance Tribunal/Appellate Tribunal at the following Sub-Divisional level and District level under the Chairmanship of each Sub-Divisional Magistrate and District Magistrate respectively within their respective jurisdiction as per provisions of Section-7 and 15 of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 and further nominate the other two Non-Official Members of both the Tribunals. The tenure of the Non-Official Members shall be three years from date of joining and both the Tribunals will perform duties/functions as per the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 read*

with Haryana Maintenance of Parents and Senior Citizens Rules, 2009”

- 3) In response, learned counsel for the respondents does not refute the abovesaid factual aspect of the matter.
- 4) Having heard learned counsel for the parties, this Court, in view of the abovesaid position, has no other option, but to set aside the orders, being *coram non judice*.
- 5) In view of the above, both the impugned orders are set aside, and the instant *lis* is remitted to learned Maintenance Tribunal, concerned, headed by Sub Divisional Magistrate, to decide the same afresh, in accordance with the notification (supra), issued by the Government of Haryana. It is also expected that the application (supra), shall be decided on its own merits, without being influenced by the observations already recorded
- 6) Consequently, the instant writ petition is **disposed of**.

(KULDEEP TIWARI)
JUDGE

24.02.2026
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No