



CWP-9476-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(205)

CWP-9476-2024 (O&M)

Date of Decision : 16.02.2026

Iqbal Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Sayyam Bansal, Advocate for
Mr. Lachman Singh, Advocate for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

Mr. Chahit Bansal, Advocate for respondent No.3.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, cast under Article 226/227 of the Constitution of India, the petitioner has thrown challenge to the order dated 13.03.2024 (Annexure P-2), as passed by the learned Appellate Tribunal-cum-Additional Deputy Commissioner, Jagraon, whereby, the appeal preferred by the petitioner, under Section 16 of the Maintenance and Welfare of Parents and Senior Citizen's Act, 2007 (hereinafter to be referred as 'the Act of 2007'), was dismissed, and order dated 16.08.2023 (Annexure P-1), as passed by learned Maintenance Tribunal-cum-Sub Divisional Magistrate, Jagraon, wherethrough application preferred by respondent No.3, under Section 23 of the Act of 2007, was accepted.

2. Learned counsel for both the parties are *ad idem* that learned Appellate Tribunal-cum-Additional Deputy Commissioner, Jagraon, has no jurisdiction to pass an order under Section 16 of the Act of 2007, as the same



is required to be passed by learned Deputy Commissioner or the District Magistrate, concerned, which is the competent authority under the Act.

3. Learned counsel for the State, has also furnished a copy of the instructions dated 27.10.2025, issued by the Directorate Social Security and Women and Child Development, Punjab, where through, 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>

4. In view of the abovesaid conceded position, the impugned order does not pass the test of legality, and requires interference of this Court.

5. Therefore, with the consent of learned counsel for both the parties concerned, the order dated 13.03.2024 (Annexure P-2), as passed by the



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hereby **set aside**, and the instant *lis* is **remanded** to learned Deputy Commissioner/District Magistrate, concerned, who after affording an opportunity of hearing to both the parties and opportunity to lead evidence, shall pass afresh order.

6. The exercise (*supra*), shall be carried out within a period of eight weeks, from the date of receipt of certified copy of this order. Both the parties are directed to cause appearance before learned Deputy Commissioner/District Magistrate, Jagraon, on 03.03.2026, at 11.00 a.m.

7. Further, a *mandamus* is also passed upon the learned Appellate Tribunal-cum-Additional Deputy Commissioner, Jagraon, to transmit the entire record of the instant *lis*, to learned Deputy Commissioner/District Magistrate, Jagroan, forthwith, for it's adjudication on merits.

8. At this stage, learned counsel for respondent No.3, submits that the petitioner is in arrears, as fixed by the learned Maintenance Tribunal concerned, and has not paid even a single rupee till date.

9. Learned counsel for respondent No.3, is at liberty to raise this issue as well before the learned Appellate Authority concerned.

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

(KULDEEP TIWARI)
JUDGE

February 16, 2026
Manpreet

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