



CWP-11049-2025

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

(209)

CWP-11049-2025

Date of Decision : 18.02.2026

Darshna @ Darshana Devi and another

...Petitioners

Versus

Additional Deputy Commissioner (G)-cum-
Appellate Tribunal, Fazilka and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARIPresent: Mr. Piyush Setia, Advocate
for the petitioners.

Mr. Sahil R. Bakshi, AAG, Punjab.

Mr. Priyanshu Kamra, Advocate
for respondent No.3.

KULDEEP TIWARI, J. (ORAL)

1. The dispute is between the daughter and the father. The petitioner No.1, is the daughter of respondent No.3/senior citizen. Fetching grievance from the order dated 12.04.2024 (Annexure P-2), passed by learned Maintenance Tribunal, Fazilka, where through, the application preferred under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short 'the Act of 2007'), was partially allowed and the petitioners were directed to pay Rs.5,000/- per month, as maintenance. Further, the statutory appeal preferred by the petitioners against the said order was also dismissed by learned Additional Deputy Commissioner (G)-cum-Appellate Tribunal, Fazilka, vide order dated 24.12.2024 (Annexure P-3).

2. Learned counsel for the petitioners, while throwing challenge to the orders (supra), submits that respondent No.3/father, has deliberately filed



the application under the Act of 2007, against her daughter only, and no such application was filed against his sons, who also inherits the same property from their father, and no reasons, whatsoever, has been mentioned, as to how, he chose to file the application for maintenance against the petitioner No.1/daughter, only. He further submits that the house, which earlier belonged to respondent No.3/father, was transferred by way of sale consideration, and it was not a gift deed, and therefore, this aspect needs to be gone into. However, the same has not been done by any of the authorities concerned.

3. On the other hand, learned counsel for respondent No.3/senior citizen, submits that the above submission, as made by learned counsel for the petitioners, is totally misplaced, as the application was filed under Section 23 of the Act of 2007, seeking eviction of the petitioner No.1, from 05 acres 04 kanals of land, the details of which are mentioned in the application (Annexure P-2), itself. He further submits that there was an endeavour, on the part of the petitioner No.1, to use the fruit of the land and deprive the senior citizen. He also submits that during the pendency of the application, the land has now been repossessed by the senior citizen. Further, considering the inability of the senior citizen to maintain himself, the liability was fastened upon the petitioner No.1/daughter, who is having sufficient resources to maintain her father, and therefore, there is no error in the orders (supra).

4. This Court has examined the submissions as made by learned counsel for the parties concerned, and has gone through the available record.

5. 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 Deputy Commissioner (G)-cum-Appellate Tribunal, Fazilka.



6. 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>

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



8. Consequently, **the impugned order is set aside** and the **matter is remitted** to the Deputy Commissioner/District Magistrate-cum-Appellate Tribunal, Fazilka, for adjudication afresh, in accordance with Section 16 of the Act of 2007. The Additional Deputy Commissioner (G)-cum-Appellate Tribunal, Fazilka, is directed to forthwith, transmit the original record of the case to the Deputy Commissioner/District Magistrate-cum-Appellate Tribunal, concerned.
9. Both the parties are directed to cause appearance before the Deputy Commissioner/District Magistrate-cum-Appellate Tribunal on 09.03.2026 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.
10. Consequently, the instant writ petition is **disposed of**.

(KULDEEP TIWARI)
JUDGE

February 18, 2026
Manpreet

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