

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

105-1

CWP-11774-2026

Date of Decision : May 14, 2026

BRAHAM SINGH ALIAS BUNTY

-PETITIONER

V/S

DISTRICT MAGISTRATE AND ORS.

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Ravi Malik, Advocate, and
Mr. Anil Chahal, Advocate
for the petitioner.

Mr. Bhupender Singh, Addl. A.G., Haryana.

None for the respondent No.3.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, the petitioner impugns the orders dated 21.03.2023 and 02.12.2025, passed respectively by the Maintenance Tribunal and the Appellate Tribunal.

2. It is apposite to record at the outset that, despite respondent No.3 having been served *dasti*, there is no representation on her behalf. A photocopy of the *dasti* service report, as furnished by learned counsel for the petitioner, is taken on record, accordingly proceeded *ex parte*.

3. Succinctly stated, respondent No.3 instituted an application under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as “the Act of 2007”) before the Maintenance Tribunal, seeking eviction of the petitioner and proforma respondents No.4 to 6 from the house in question, as well as maintenance @ ₹12,000/- per month. Vide order dated 21.03.2023, the Maintenance

Tribunal allowed the application and directed the petitioner and proforma respondents No.4 to 6 to vacate the house in question within 30 days. The eviction order dated 21.03.2023 caused pain to the petitioner and proforma respondent No.6 and propelled them to institute a statutory appeal before the Appellate Tribunal, which was dismissed vide order dated 02.12.2025. Thus, having remained unsuccessful before the Appellate Tribunal, the petitioner has approached this Court assailing the orders (*supra*).

4. At the outset, learned counsel for the petitioner draws the attention of this Court to Haryana Government's notification dated 08.12.2020, prescribing the composition of the Maintenance Tribunals and Appellate Tribunals, to submit that the impugned order dated 21.03.2023 suffers from illegality, having been passed *coram non judice*. It is submitted that under 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 Chairmen. In the present case, however, the impugned order dated 21.03.2023 was passed solely by the Sub-Divisional Magistrate. Therefore, the said order was rendered without the mandated coram, rendering it illegal and without jurisdiction. In support of this contention, reliance is placed on the ***judgment dated 26.10.2016*** rendered by a Coordinate Bench of this Court in ***CWP No.18784 of 2015***, the relevant paragraph whereof is extracted hereunder:

“I have heard learned counsel for the parties and perused the record with able assistance and am of the considered opinion that the impugned order passed by the Appellate Authority is patently without jurisdiction because as per the Scheme of the Act, the Tribunal and the Appellate Tribunal are constituted by the State

Government by way of notification and the appeal has to be decided by the duly constituted Tribunal. In the present case, notification dated 10.12.2012 has been relied upon to which there is no contrary notification produced before this Court. In this notification, the Tribunal has been specifically constituted for Kurukshetra in which there are three Members. District Magistrate may be the Chairman of the Tribunal but once there is a Tribunal of three Members, the District Magistrate has no jurisdiction to take decision alone and the decision has to be taken unanimously or by way of majority. Therefore, on this ground alone, the impugned order deserves to be set aside and thus the present writ petition is hereby allowed and impugned order is set aside and the matter is remanded back to the Tribunal constituted as per notification dated 10.12.2012 to decide the matter afresh after affording due opportunity of hearing to both the parties and by passing a reasoned order.”

5. Learned State counsel does not dispute that the impugned order dated 21.03.2023 is vitiated as it was passed *coram non judice*.

6. Having considered the submissions of learned counsel for the parties and perused the record, this Court finds that the order dated 21.03.2023 was passed by an authority lacking jurisdiction and lawful coram prescribed in the notification dated 08.12.2020. Consequently, the same is a nullity in the eyes of law and cannot be sustained.

7. Further, since the Appellate Tribunal overlooked the aforesaid infirmity that the order dated 21.03.2023 was vitiated having been passed *coram non judice*, and proceeded to uphold the same, the appellate order is also unsustainable and deserves interference.

8. Accordingly, **the orders dated 21.03.2023 and 02.12.2025, passed respectively by the Maintenance Tribunal and the Appellate Tribunal, are hereby set aside.** The matter is remanded to the Maintenance Tribunal for fresh adjudication in accordance with the provisions of the Act

of 2007. The parties shall cause appearance before the Maintenance Tribunal on 29.05.2026, whereupon the latter shall endeavour to decide the matter expeditiously, but after affording adequate opportunity of hearing to all parties concerned.

9. Before parting with the order, it is imperative to record that this Court has, on several occasions, come across matters similar to the one in hand, wherein orders under the provisions of the Act of 2007 have been passed by the authorities without constituting the lawful and mandated coram, acting in their individual capacity. Consequently, this Court, vide order dated 20.04.2026 passed in the present proceedings, directed the Chief Secretary, Government of Haryana, to file a specific affidavit indicating the steps being taken to sensitize the concerned authorities regarding the notifications prescribing the coram of the Maintenance Tribunal and Appellate Tribunal.

10. In compliance with the directions (*supra*), an affidavit dated 05.05.2026 sworn by Mr. Anurag Rastogi, I.A.S., Chief Secretary, Government of Haryana, has been filed before this Court. A perusal of the same reveals that the constitution and functioning of the Maintenance Tribunal and Appellate Tribunal are governed by the Act of 2007 enacted by the Government of India, as well as the Haryana Maintenance of Parents and Senior Citizens Rules, 2009 framed by the State Government in exercise of powers conferred under Section 32 of the Act of 2007. The Maintenance and Appellate Tribunals in the State of Haryana have been constituted/re-constituted from time to time in accordance with Rule 3 and Rule 17 of the *ibid* Rules.

11. It has been further stated that in order to implement the

directions issued by this Court vide order dated 20.04.2026, a meeting was convened under the Chairmanship of the Chief Secretary, Government of Haryana, and after discussion, the following decisions have been taken:-

“(i) A workshop shall be organized by the SEWA Department for all the District Magistrates and Sub-Divisional Magistrates regarding various provisions of the Haryana Maintenance of Parents and Senior Citizen Act, 2007 and Rules frame their under as well as others statutes being implemented by the SEWA Department through District Magistrates and Sub-Divisional Magistrates.

(ii) Detailed instructions have been issued to the District Magistrates and Sub-Divisional Magistrates to strictly follow the provisions of the Act of 2007 read with Rules of 2009.”

12. For implementation of the aforesaid decisions, detailed instructions have been issued to all Sub-Divisional Magistrates and District Magistrates vide letter dated 01.05.2026, directing strict compliance with the provisions of the Act of 2007 and the Rules framed thereunder. The relevant extract of the said directions is reproduced hereunder:-

“(i) No order or decision shall be passed by the Maintenance Tribunal or the Maintenance Appellate Tribunal unless the coram is duly constituted.

(ii) All cases must be heard and decided only when the Chairperson and the required non-official members are present.

(iii) Any order passed without fulfillment of coram shall be treated as irregular and liable to be set aside. Further, as per the Haryana Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 rule 4(3) any decision taken by Chairperson, in an emergent situation, when the Tribunal is not sitting, shall require ratification by the Tribunal in its next sitting.”

13. Apart from the above, a training programme was conducted on 07.05.2026 for the sensitization and training of all Sub-Divisional Magistrates and District Magistrates, who act as Chairman of the Maintenance Tribunals and Appellate Tribunals, respectively.

14. Upon consideration of the affidavit, this Court records its satisfaction with the steps undertaken by the State of Haryana to ensure that, hereafter, the Maintenance Tribunals and Appellate Tribunals adjudicate matters under the Act of 2007 strictly in accordance with the lawful and mandated coram.

15. The instant writ petition stands disposed of accordingly.

May 14, 2026
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(KULDEEP TIWARI)
JUDGE

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