

CWP-11597-2024 (O&M) &

CWP-11738-2024 (O&M)

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2026.PHHC:078889



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

103+206

**CM-8290-91-92-CWP-2026 in/&
CWP-11597-2024**

Date of decision:19.05.2026

SADHA SINGH

....Petitioner

Versus

**APPELLATE TRIBUNAL CUM ADDITIONAL DEPUTY
COMMISSIONER GURDASPUR AND ORS.**

....Respondents

**CM-8293-94-95-CWP-2026 in/&
CWP-11738-2024**

Date of decision:19.05.2026

SADHA SINGH

....Petitioner

Versus

**APPELLATE TRIBUNAL CUM ADDITIONAL DEPUTY
COMMISSIONER GURDASPUR AND ORS.**

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Sandeep Godhara, Advocate,
for the applicant/petitioner.

Mr. Amit Kumar Goyal, Addl.A.G., Punjab.

Mr. Gursharan Singh, Advocate,
for respondent No.4.

KULDEEP TIWARI, J. (Oral)

1. Both the petitions are amenable to be decided together, as a common relief has been sought therein.

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2. Through the instant petitions, filed under Article 226/227 of the Constitution of India, a challenge is thrown to the orders dated 19.10.2023 (Annexure P-5), passed by the learned Additional Deputy Commissioner, Gurdaspur, exercising the powers vested under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, whereby the appeals preferred by respondent no.4 (in both the petitions) have been allowed, and the orders dated 29.07.2021, passed by the learned Maintenance Tribunal (respondent no.2), were set aside, and the the transfer deeds dated 21.11.2018 (Annexure P-1), ordered to be restored to its original position.

2. During the pendency of the instant petitions, since the demise of petitioner-senior citizen has occurred, therefore, the applicant-Ranjeet Singh, claiming himself to be his legal representative(s), has filed separate applications (CM-8291 & CM-8294-2026) in both the petitions.

3. At this stage, during the course of hearing, learned counsel for respondent no.4, points out that the impugned orders of even date i.e. dated 19.10.2023 (Annexure P-5), have been passed by an authority devoid of statutory jurisdiction, and therefore, warrants interference on this ground alone.

4. Consequently, it is submitted that since the impugned order has not been passed by the statutory authority, i.e. District Magistrate, but by an authority exercising sub-delegated powers, i.e. Additional Deputy Commissioner concerned, the same is liable to be set aside.

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5. 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 counsel for the petitioner, as well as, learned State counsel fairly concede that such functions and powers cannot be sub-delegated. Moreover, he 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.”*

“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:-*

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

6. In view of the abovesaid conceded position, the impugned orders do not pass the test of legality, being *delegata potestas non potest delegari* and require interference of this Court. Consequently, **the impugned orders are set aside** and the **matter is remitted** to the District Magistrate-cum-Appellate Tribunal concerned, for adjudication afresh, in accordance with Section 16 of the Act of 2007.



7. The Additional Deputy Commissioner concerned, is directed to send the original record of the case to the District Magistrate-cum-Appellate Tribunal concerned forthwith.
8. All the parties are directed to cause appearance before the District Magistrate-cum-Appellate Tribunal on 29.05.2026 at 11:00 AM, whereupon, the latter shall make an endeavour to decide the matter as early as possible, after affording adequate opportunity of hearing to the parties.
9. The issues, as to whether, the right to sue survives or not, and that the applicant-Ranjeet Singh, who seeks himself to be impleaded as the legal representative of the deceased-petitioner, can continue with the *lis*, shall remain open for the parties to raise before the learned Appellate Authority concerned.
10. It is made clear that until and unless the learned Appellate Authority concerned, takes a final decision in the appeal, the alienation of the property in question is ordered to be stayed.
11. **Disposed of, accordingly.**
12. All pending application(s), if any, also stand **disposed** of accordingly.
- A photocopy of this order be placed on the file of the connected case.

(KULDEEP TIWARI)
JUDGE

19.05.2026
dharamvir

Whether speaking/reasoned	Yes
Whether reportable	Yes/No