



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

214

CWP-24119-2024

Date of decision: 22.04.2026

PAVITAR SINGH

.... Petitioner

Vs.

**ADDITIONAL DEPUTY COMMISSIONER, KHANNA, CAMP AT
SAMRALA AND OTHERS**

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Lakhwinder Singh Mann, Advocate,
for the petitioner.

Mr. Amit Kumar Goyal, Addl.A.G., Punjab
for respondents no.1 and 2.

Mr. Amit Kumar Saini, Advocate,
for respondents No.3 and 4,

KULDEEP TIWARI, J (Oral)

1. Through the instant writ petition, filed under Articles 226/227 of the Constitution of India, a challenge is thrown to the order dated 10.08.2023 (Annexure P-5), passed by the SDM-cum-Maintenance Tribunal, Samrala (respondent no.2), whereby the application preferred by respondent no.3, for cancellation of the transfer deed has been accepted. He also assails the order dated 06.08.2024 (Annexure P-7), passed by the Additional Deputy Commissioner, Khanna, whereby the appeal filed by the the petitioner, against the order dated 10.08.2023, has been dismissed.

2. During the course of hearing, learned counsel for the petitioner points out that the impugned appellate order dated 06.08.2024 (Annexure P-7), has been passed by an authority devoid of statutory jurisdiction, and therefore, warrants interference on this ground alone.



3. Consequently, it is submitted that since the impugned appellate order 06.08.2024 (Annexure P-7), 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.

4. 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 and learned counsel for respondent no.3, 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

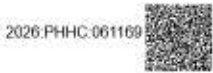
All District Magistrates/Presiding Officers, Appellate Tribunal Constituted under Sections 15(1) & 15(2) of The Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

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.”*

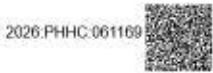
“Notification

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:-

<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>

5. In view of the abovesaid conceded position, the impugned order 06.08.2024 (Annexure P-7), does not pass the test of legality, being *Delegata potestas non potest delegari* and requires interference of this Court. Consequently, **the appellate order dated 06.08.2024 (Annexure P-7), is set aside** and the **matter is remanded** back to the District Magistrate-cum-Appellate Tribunal concerned, for adjudication afresh, in accordance with Section 16 of the Act of 2007.



6. The Additional District Magistrate concerned, is directed to send the original record of the case to the District Magistrate-cum-Appellate Tribunal concerned, forthwith.
7. Both the parties are directed to cause appearance before the District Magistrate-cum-Appellate Tribunal on 04.05.2026 at 11:00 AM, whereupon, the latter shall make an endeavour to decide the *lis* as expeditiously as possible, after affording adequate opportunity of hearing to the parties.
8. **Disposed of**, accordingly.
9. All pending application(s), if any, also stand **disposed** of accordingly.

(KULDEEP TIWARI)
JUDGE

22.04.2026
dharamvir

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