



CWP-30103-2025

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

(212)

CWP-30103-2025

Date of Decision : 11.05.2026

Ram Singh

...Petitioner

Versus

District Magistrate and Chairman of
Appellate Tribunal, Charkhi Dadri and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Rajesh Sharma, Advocate for the petitioner.

Mr. Neeraj Gupta, Addl. AG, Haryana
for respondents No.1 and 2.

None for respondent No.3, despite service.

KULDEEP TIWARI, J. (ORAL)

1. The legality of order dated 15.05.2025 (Annexure P-1), as passed by learned Appellate Tribunal-cum-District Magistrate, Charkhi Dadri, has been put to challenge, by the petitioner/senior citizen, wherethrough, the appeal preferred by petitioner/senior citizen, under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short 'the Act of 2007), was dismissed, and order dated 21.11.2024 (Annexure P-2), passed by learned Sub Divisional Magistrate, Charkhi Dadri, was upheld.

2. In brief, the petitioner-senior citizen instituted an application, under Section 22 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as "the Act of 2007") before the learned Appellate Tribunal, Charkhi Dadri, seeking eviction of private respondent No.3 (daughter-in-law), from the property/shop in question.



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However, upon consideration of the matter in issue, the learned Appellate Tribunal, has dismissed the application, while passing the impugned order.

3. At the outset, learned counsel for the petitioner point out that the order dated 21.11.2024 (Annexure P-2), passed by learned Sub Divisional Magistrate, Charkhi Dadri, was rendered by an authority in its individual capacity, inherently lacking statutory jurisdiction, and therefore, is liable to be set aside, on this ground alone, and this aspect has not been considered by learned Appellate Tribunal. He submits that under the unequivocal scheme of the Act of 2007, an application preferred by a senior citizen, seeking eviction of the private respondent, who is none other than his daughter-in-law, must be entertained and adjudicated exclusively by a three-member Maintenance Tribunal, and not by Appellate Tribunal, straightway. In this regard, he submits that Govt. of Haryana through the relevant notification dated 08.12.2020, issued by Social Justice, Empowerment, Welfare of Scheduled Castes and Backward Classes and Antyodaya (Sewa) Department, has notified the composition of the learned Maintenance Tribunal, as well as, learned Appellate Authority, which is extracted hereinafter :-

Notification

08 December, 2020

No. 1041-SW(4)-2020.— *In continuation of the Haryana Government Notification No. 1373-SW(4)-2016, dated 17.11.2016, the Governor of the Haryana is pleased to reconstitute the three Member (One Official Member and Two Non-Official Members) Maintenance Tribunal/Appellate Tribunal at the following Sub-Divisional level and District level under the Chairmanship of each Sub-Divisional Magistrate and District Magistrate respectively within their respective jurisdiction as per provisions of Section-7 and 15 of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 and further nominate the other two Non-Official Members of both the Tribunals. The tenure of the Non-Official Members shall be three years from date of joining and both the Tribunals will perform duties/functions as per the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act,*



2007 read with Haryana Maintenance of Parents and Senior Citizens Rules, 2009.

4. In view of the notification (supra), both the Maintenance Tribunal and the Appellate Tribunal are required to comprise of three members, with Sub-Divisional Magistrate and the Deputy Commissioner/District Magistrate, acting as their respective Chairman. In such a situation, the order dated 21.11.2024 (Annexure P-2), is vitiated by a jurisdictional error, having been rendered *coram non judice*, and is therefore liable to be set aside.

5. Despite service, there is no representation on behalf of the respondent No.3, today in the Court.

6. Upon being confronted, learned counsel for the State, does not dispute the abovesaid factual aspect of the matter. He fairly concedes that the application preferred by the senior citizen, ought to have been adjudicated by three-member Maintenance Tribunal, presided over by the Sub-Divisional Magistrate, and not by the Appellate Tribunal.

7. Having considered the submissions of learned counsel for the parties and perused the record, this Court has no hesitation in holding that the order dated 21.11.2024 (Annexure P-2), does not pass the test of legality, as it was passed by an authority lacking jurisdiction, and the order is *void* being *coram non judice*, as passed by Sub Divisional Magistrate, Charkhi Dadri, in his individual capacity.

8. In view of the above, the order dated 21.11.2024 (Annexure P-2), as passed by learned Maintenance Tribunal-cum-Sub Divisional Magistrate, Charkhi Dadri, is hereby, **set aside** and the instant *lis* is **remitted** back to learned Maintenance Tribunal, constituted in view of the notification (supra), issued by the State of Haryana, for adjudication afresh.



9. Both the parties are directed to cause appearance before learned Maintenance Tribunal concerned, on 25.05.2026 at 11:00 AM, whereupon, the latter shall make an endeavour to decide the instant *lis*, within a period of four months, from the date of receipt of certified copy of this order, after affording an adequate opportunity of hearing to the parties concerned.
10. Consequently, the instant writ petition is **disposed of**.

(KULDEEP TIWARI)
JUDGE

May 11, 2026
Manpreet

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