



CWP-42-2024

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

(211)

CWP-42-2024

Date of Decision : 11.05.2026

Gurpreet Kaur and others

...Petitioners

Versus

Appellate Tribunal cum District Magistrate, Sangrur
and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARIPresent: Mr. D.S. Malwai, Advocate
for the petitioner.

Mr. Amit Kumar Goyal, Addl. AG, Punjab.

Mr. S.S. Salar, Advocate
Ms. Tisha Joshi, Advocate and
Mr. Hiten Chugh, Advocate
for respondent No.3.

KULDEEP TIWARI, J. (ORAL)

1. Fetching grievance from the order dated 30.11.2023 (Annexure P-3), passed by learned Appellate Tribunal-cum-District Magistrate, Sangrur, wherethrough, the statutory appeal preferred by the petitioners against the order dated 05.10.2023 (Annexure P-2), passed by learned Sub Divisional Magistrate, Bhawanigarh, was dismissed, vide order (Annexure P-3). Hence, the present petition.
2. The legality of the impugned order was put to challenge, primarily, on the ground, that same suffers from inherent lack of jurisdiction.



3. Learned counsel for the petitioner has also drawn the attention of this Court towards the order impugned, and submits that the order (Annexure P-3), passed by learned Appellate Tribunal-cum-District Magistrate, Sangrur, suffers from *delegata potestas non potest delegari*, and therefore, the order (supra), suffers from illegality, and cannot be cured, and requires interference of this Court.

4. Learned counsel appearing on behalf of the respondent No.3, though joined the issue on merits. However, he is unable to refute the factual position, to the effect, that the order impugned is *void* being *delegata potestas non potest delegari*.

5. This Court has heard the learned counsel for the parties, and has gone through the order(s) impugned.

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 their *quasi-judicial* functions and powers vested in them by statute, to which, 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.”



7. In view of the above said conceded position, the impugned order dated 30.11.2023 (Annexure P-3), passed by learned Appellate Tribunal cum District Magistrate, Sangrur, does not pass the test of legality, and requires interference by this Court.
8. Consequently, the impugned order dated 30.11.2023 (Annexure P-3), is **set aside** and the matter is **remitted** to the Deputy Commissioner/District Magistrate-cum-Appellate Tribunal, Sangrur, for adjudication afresh, in accordance with Section 16 of the Act of 2007. The Appellate Tribunal cum District Magistrate, Sangrur, 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 concerned, on 25.05.2026 at 11:00 AM, whereupon, the latter shall make an endeavour to decide the matter preferably within four months, from the date of receipt of certified copy of this order, after affording 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