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

CWP-34164-2025

Date of Decision: 18.02.2026

**DEEPAK SHARMA AND ANR****-PETITIONERS****V/S****STATE OF HARYANA AND OTHERS****-RESPONDENTS****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Rahul Jaswal, Advocate,  
for the petitioners.

Mr. Bhupender Singh, Addl.AG, Haryana  
for respondents no.1 to 3.

Mr. Shalender Mohan, Advocate,  
for respondents no.4 and 5.

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**KULDEEP TIWARI, J. (Oral)**

1. Through the instant petition, filed under Article 226/227 of the Constitution of India, legality of an order dated 10.10.2025 (Annexure P-7), passed by learned District Magistrate-cum-Appellate Tribunal, Panipat (respondent no.2), has been put to challenge, merely on the ground that the application, which was filed on original side, under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, has been directly entertained by the District Magistrate (Appellate Tribunal). Rather, the said application, at first instance, should have been entertained by the Maintenance Tribunal, headed by the Sub Divisional Magistrate in view of the notification(s), issued by the Department of Social Justice, Empowerment, Welfare of



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Scheduled Castes & Backward Classes and Antyodaya (SEWA) Department, State of Haryana.

2. He further submits that after the verdict dated 23.01.2020 in **“Simrat Randhawa vs. State of Punjab and others”** (CWP-4744-2018), a specific direction has been issued all the District Magistrates, of the State of Haryana, vide letter dated 19.01.2023, restraining to proceed further in accordance with Clauses (1) to (3) of the “Action Plan for the Protection of Life and Property of Senior Citizens”, with immediate effect.

3. He also submits that the application on original side, as preferred by respondents no.4 and 5, has been entertained by the Appellate Authority, headed by the District Magistrate.

4. Learned counsel for respondents no.4 and 5, though joins the issue on merits, and submits that the learned Tribunal concerned, has rightly adjudicated the issue, however, he is unable to refute that the application, ought to have been decided by the Maintenance Tribunal, headed by the SDM, at first instance.

5. Today, this Court has directed the learned State Counsel to have apposite instructions, from the Directorate of Social Justice and Empowerment, and to apprise this Court, as to whether, the original application, is to be decided by the Maintenance Tribunal, as notified by the State of Haryana or by the Appellate Authority.

6. Learned State counsel after having instructions, referred to the instructions dated 19.01.2023, and submits that the power of eviction is now vested with the Maintenance Tribunal.

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7. In order to appreciate the submissions, of learned counsel for the petitioners, lets have a glimpse upon the instructions issued by the Department of Social Justice, Empowerment, Welfare of Scheduled Castes & Backward Classes and Antyodaya (SEWA) Department, State of Haryana, which is extracted hereinafter:-

“It would like to inform you that the power of eviction was confetred upon you as per mandate of the “Action Plan for the Protection of Life and Property of Senior Citizens” notified under section 22 (2) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and Rule 24 of the Haryana Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 by the State Governmeat vide notification dated 26.05.2015 but the same was struck down by the Hon'ble High Court vide judgment dated 23.01.2020 passed in CWP No. 4744 of 2018 titled as Simrat Randhawa Vs State of Punjab and Others to the extent of clauses 1 to 3 thereof i.e. (1) Procedure for eviction from property/residence building belonging to/ocouped by senior citizens/parents, (2) Eviction order from property/residential building of senior citizens/parents and (3) Enforcement of orders. An LPA bearing LPA No. 702 of 2021 titled as State of Haryana Vs Simrat Randhawa and Others has been preferred by the State Government against the orders/judgment dated 23.01.2020 before the Ld. Division Bench but the operation of the said orders/judgment could not be stayed. Thus, the said Action Plan still stands struck down to the extent of three clauses as mentioned above.

Therefore, in view of above, you are requested to stop to do proceed further in accordance with clauses 1 to 3 of the said Action Plan with immediate effect so that contempt of the orders/judgment dated 23.01.2020 passed by the Hon'ble High Court could be avoided. Further, you are requested to furnish a list of all the cases dealt with/decided by you as per mandate, of the said Action Plan from 23.01.2020 to till date, at earliest.”

8. Further, the aforesaid Department, has already notified the composition of the Maintenance Tribunal, and the Appellate Tribunal.

9. In view of the above, the original application is required to be adjudicated by the Maintenance Tribunal, headed by the SDM, at the



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first instance, whereas, in the instant matter, the original application has been decided by the District Magistrate, which is in fact, a notified Appellate Authority, as it would take away their right of appeal, Therefore, the impugned order is hereby, **set aside**, only on the ground of jurisdiction, and the matter is **remanded** to the Sub Divisional Magistrate concerned, for adjudication upon the original application, afresh.

10. The District Magistrate concerned, is directed to send the original application of the petitioners to the office the Sub Divisional Magistrate concerned, forthwith.

11. Both the parties are directed to cause appearance before the Sub Divisional Magistrate concerned on 05.03.2026 at 11:00 AM, whereupon, the latter shall make an endeavour to decide the applicaton preferably within four months, thereafter, after affording adequate opportunity of hearing to the parties.

12. **Disposed of, accordingly.**

13. All pending application(s), if any, also stand **disposed** of accordingly.

**February 18, 2026**  
*dharamvir*

**(KULDEEP TIWARI)**  
**JUDGE**

|                            |   |        |
|----------------------------|---|--------|
| Whether speaking/reasoned. | : | Yes/No |
| Whether Reportable.        | : | Yes/No |