



CWP-38826-2025

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

(214)

CWP-38826-2025

Date of Decision : 10.03.2026

Parmila Thakur

...Petitioner

Versus

Additional Deputy Commissioner cum
Maintenance Tribunal and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Gagandeep Singh Virk, Advocate and
Mr. Vikas Prakash, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

Ms. Bhumija Gupta, Advocate for
Mr. Arvind Kashyap, Advocate
for respondent No.2.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, cast under Article 226/227 of the Constitution of India, the petitioner has thrown challenge to the order dated 19.11.2024 (Annexure P-2), as passed by the learned Maintenance Tribunal cum Sub Divisional Magistrate, Kharar, whereby, the application preferred by the petitioner, seeking eviction of her daughter-in-law/respondent No.2, under the Maintenance and Welfare of Parents and Senior Citizen's Act, 2007 (hereinafter to be referred as 'the Act of 2007'), was dismissed.

2. Learned counsel for both the parties are *ad idem* that learned Maintenance Tribunal cum Sub Divisional Magistrate, Kharar, has no jurisdiction to pass an order under the Act of 2007, as the same is required to



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be passed by learned Deputy Commissioner or the District Magistrate, concerned, which is the competent authority under the Act.

3. At the outset, this Court has examined the order (supra), passed by learned Maintenance Tribunal cum Sub Divisional Magistrate, Kharar, who does not vest with the jurisdiction to decide the same, since the impugned order was required to be passed by learned Deputy Commissioner/District Magistrate, concerned.

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 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."*

"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

5. In view of the above said conceded position, the impugned order does not pass the test of legality, and requires interference of this Court.
6. Consequently, **the impugned order is set aside** and the **matter is remitted** to the Deputy Commissioner/District Magistrate-cum-Appellate Tribunal, Kharar, for adjudication afresh, in accordance with provisions of the Act of 2007. The Maintenance Tribunal cum Sub Divisional Magistrate, Kharar, is directed to forthwith, transmit the original record of the case to the Deputy Commissioner/District Magistrate-cum-Appellate Tribunal, concerned.
7. Both the parties are directed to cause appearance before the Deputy Commissioner/District Magistrate-cum-Appellate Tribunal on 25.03.2026 at 11:00 AM, whereupon, the latter shall make an endeavour to decide the matter preferably within four months, after affording adequate opportunity of hearing to the parties concerned.
8. Consequently, the instant writ petition is **disposed of**.

(KULDEEP TIWARI)
JUDGE

March 10, 2026
Manpreet

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