



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 30243 of 2026

Amar Singh Yadav

.....Petitioner(s)

Versus

State of U.P. and others

.....Respondent(s)

Counsel for Petitioner(s)	:	Nikhil Pandey
Counsel for Respondent(s)	:	C.S.C.

Court No. - 2

HON'BLE J.J. MUNIR, J.

HON'BLE INDRAJEET SHUKLA, J.

We have perused the report submitted by the Sub Divisional Magistrate, Tahsil Sadar, District Kanpur Nagar, the relevant part whereof reads :

" दिनांक 01/07/2026 से दिनांक 21/07/2026 में उत्तरदाता के प्रशासनिक कार्यों में व्यस्त होने के कारण सुनवाई नहीं हो सकी। सुनवाई तिथि दिनांक 22/07/2026 में प्रतिवादीगणों द्वारा प्रतिवाद पत्र दाखिल किया गया एवं पत्रावली निस्तारण हेतु दिनांक 29/07/2026 नियत की गयी। दिनांक 29/07/2026 में पत्रावली की सुनवाई में याचिकाकर्ता/वादी व प्रतिवादी सं०-1 द्वारा प्रतिवाद पत्र दाखिल किया गया एवं प्रतिवादी सं०-2 व 3 को प्रतिवाद दाखिला हेतु अंतिम अवसर दिया गया। पत्रावली दिनांक 19/08/2026 में सुनवाई दौरान याचिकाकर्ता/वादी अनुपस्थित रहे। पत्रावली याचिकाकर्ता / वादी के प्रति आपत्ति दाखिला हेतु दिनांक 21/08/2026 नियत की गयी है। "

We note that the Tribunal being presided over by an Administrative Officer, has remained engaged with administrative duties from 01.07.2026 to 21.07.2026, on account of which, hearing of the matter before him could not take place. We make it clear that if judicial functions are conferred upon any Administrative Officer, including the Sub Divisional Magistrate here, who has been constituted into a Tribunal under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, would be obliged to dispose of his judicial work first, before taking

up his administrative duties.

Judicial work has a certain discipline. The foremost is the time schedule of the Court sitting. It cannot be haphazard and according to the convenience of the Presiding Officer. A Court, whether presided over by a Judge or a lay Presiding Officer, must strictly abide by its schedule of sitting. Here, what to speak of the time of holding Court, for 21 whole days, the Sub Divisional Magistrate remained away from judicial work, because he had administrative assignments.

We have repeatedly emphasized that entrustment of judicial duties to Administrative Officers is not a good idea, but, that is in the realm of policy-making of the State, expressed in statutes. We would again emphasize that matters such as these should be considered by the State to be entrusted to trained and professional Judges, who are not burdened with administrative duties and have a regular time schedule devoted entirely to judicial work.

Looking to the report submitted by the Sub Divisional Magistrate, Sadar, Kanpur Nagar, we direct that proceedings in this case shall now go on in the manner that three effective dates of hearing shall be fixed every week and necessary orders passed.

This matter stands adjourned to **15.09.2026**, by which time, the Sub Divisional Magistrate, Sadar, Kanpur Nagar/Presiding Officer, Maintenance Tribunal shall make a fresh report about the status of proceedings.

To be taken up in the cause list of the day.

The Registrar (Compliance) is directed to communicate this order to the Principal Secretary, Social Welfare Department, Government of U.P., Lucknow and the Sub Divisional Magistrate, Sadar, Kanpur Nagar through the learned Chief Judicial Magistrates of Lucknow and Kanpur Nagar, respectively, **within 24 hours next.**

(Indrajeet Shukla,J.) (J.J. Munir,J.)

August 21, 2026
I. Batabyal