

\$~6

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 427/2017**

KUNTI DEVI

..... Petitioner

Through Mr Rajneesh Roshan, Mr Balraj Malik
Advocates.

versus

STATE OF NCT DELHI & ORS

..... Respondents

Through Mr L.B. Rai, Mr Vijay Awana, Mr Syed
Kamran Ali, Advocates for R1 and R2.
Mr Sanjay Ghose, ASC, GNCTD with
Mr Rhishabh TJetley and Ms Urvi Mohan,
Advocates for GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **11.08.2017**

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

“(a) To issue a writ of the nature of mandamus to Police Officials to get vacate the property of the petitioner from the respondent No.2 and 3 under the provision of Delhi Maintenance and Welfare of Senior Citizen and Parents (Amendment) Act 2010 in the interest of justice.

(b) to issue a writ of the nature of mandamus to the respondent No.1 to issue proper guidelines to the police for the protection of life and property under section 22 of Delhi Maintenance and Welfare of Senior Citizen and Parents (Amendment) Act 2010 in the interest of justice.”

2. The petitioner is a senior citizen and claims to be the owner of the property bearing house No. 227E, Gali No. 7A, Mahaveer Enclave Part-II, New Delhi-110059. The petitioner has three sons and two daughters (married). She alleges that her three sons who are living in the property are ill-treating her and her husband. The petitioner and her husband desire to evict their three sons from their property and had sought assistance from the police; but, they complain, no such assistance has been provided to them.

3. Learned counsel for the petitioner has also referred to Section 22 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereafter 'the Act') which requires the State Government to frame a comprehensive action plan for providing protection of life and property of senior citizens.

4. Mr Sanjoy Ghose, learned counsel appearing for the Government of NCT of Delhi has pointed out that in terms of Section 22 (2) of the Act, the Government has framed the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules (Amendment) Rules, 2016 which entitle a senior citizen to make an application before the Deputy Commissioner/District Magistrate(DM) of his district for eviction of his son(s)/ daughter(s) or legal heirs from his self acquired property on account of his non-maintenance and ill-treatment.

5. In this view, the petitioner would have the right to approach the Deputy Commissioner/District Magistrate in terms of the aforementioned Rules and if the petitioner's grievance that the petitioner is being ill-treated is found to be correct, the petitioner would be entitled to an order evicting her sons from the property in question.

6. Mr Ghose also states that the concerned SHO would be informed of

the present case and would ensure that a police official visits the said premises to enquire about the welfare of the petitioner and her husband.

7. In view of the above, the present petition is disposed of with liberty to the petitioner to make the appropriate application before the Deputy Commissioner/District Magistrate.

VIBHU BAKHRU, J

AUGUST 11, 2017

pkv