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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 7355/2017

SUNITA BEHL

..... Petitioner

Through: Mr Kartik Nagarkatti and Ms Aditi
Sharma, Advocates.

versus

STATE (GOVERNMENT OF NCT OF DELHI)
& ANR

..... Respondents

Through: Ms Manika Tripathy Pandey,
Advocate for R-1.
Mr S.B. Upadhyay, Senior Advocate
with Mr Rajesh Chhetri, Ms Anisha
Upadhyay and Mr Nishant, Advocates
for R-2/applicant.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER
06.09.2017

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CM No. 32419/2017 and W.P.(C) 7355/2017

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 01.07.2017, passed by the District Magistrate/Deputy Commissioner (South East), under the Delhi Maintenance and Welfare of Parents and Senior Citizens (Amendment) Rules 2016, framed under Maintenance and Welfare of Parents and Senior Citizens Act, 2007, and the order dated 14.08.2017, passed by the Divisional Commissioner, rejecting the petitioner's appeal against the aforesaid order dated 01.07.2017.

2. The District Magistrate/Deputy Commissioner (South East) had passed the *ex parte* order dated 01.07.2017, directing the eviction of the petitioner from a portion of the first floor of the property bearing no. B-3,

Lajpat Nagar-II, New Delhi-110024. It is the petitioner's case that the said order was passed without serving any notice on the petitioner.

3. The petitioner is a widow and without any issues, and she claims that she is employed and, therefore, is usually not available in her residential address during office hours. Concededly, the remaining portion of the property is occupied by the respondent no. 2 and other family members (who are placed in an adversarial position).

4. After some arguments, it is apparent that the contention advanced by the petitioner is merited and, therefore, this Court is of the view that it was necessary to hear the petitioner before passing any order adverse to her interests. Accordingly, the impugned orders dated 01.07.2017 and 14.08.2017, are set aside and the matter is remanded to the District Magistrate/Deputy Commissioner (South-East) to consider the matter afresh uninfluenced by the impugned orders. The District Magistrate/Deputy Commissioner (South-East) shall pass an order, after issuing due notice to the petitioner, and after affording her full opportunity to be heard.

5. It is clarified that all contentions of the parties are reserved.

6. The petition stands disposed of.

7. Order *dasti* under the signature of Court Master.

VIBHU BAKHRU, J

SEPTEMBER 06, 2017
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