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

+ W.P.(C) 10456/2017

RAVI GOEL & ANR

..... Petitioners

Through: Mr Vijay Kinger, Advocate alongwith
petitioner nos.1 & 2 in person.

versus

STATE (GOVT OF NCT OF DELHI) & ORS Respondents

Through: Mr Varun Nischal, Advocate for R-
1/State.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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24.11.2017

CM No.42717/2017

1. Allowed, subject to all just exceptions.

W.P.(C) 10456/2017 & CM No.42716/2017

2. The petitioners has filed the present petition impugning an order dated 25.10.2017 (hereafter 'the impugned order') passed by the District Magistrate directing that the petitioners be evicted from the premises bearing no.417, Gali No.7/8, West Kanti Nagar, Delhi-110051.

3. The impugned order has been passed by the District Magistrate under the Delhi Maintenance and Welfare of Parents and Senior Citizen Rules (Amendment) Rules, 2016 pursuant to an application that was filed by respondent nos.2 & 3.

4. The petitioner appealed against the impugned order before the Appellate Court of Divisional Commissioner. However, the said appeal has been rejected on the ground that an appeal under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is maintainable only by a senior citizen.

5. The aforesaid order is not sustainable as the appeal preferred by the petitioners was in terms of Rule 22(3)(4) of the Delhi Maintenance and Welfare of Parents and Senior Citizen Rules (Amendment) Rules, 2016 and such appeals are not limited to senior citizens alone.

6. However, this Court does not consider it apposite to remand the matter to the Divisional Commissioner as there is no material on record to indicate that the petitioners have any right, title or interest in the property in question.

7. The learned counsel for the petitioners also states that the petitioners would vacate the premises as directed; he, however, requests that some time may be granted to the petitioners to make alternative arrangement. He states that the petitioners have minor children and they are due to appear for school examinations.

8. The petitioners are present in the Court and they *unconditionally* undertake to vacate the premises in question by 31.03.2018. The petitioners are bound down to the said undertaking.

9. In view of the above, it is directed that no coercive steps be taken against the petitioners pursuant to the impugned order, before 31.03.2018.

10. The petition and the pending application are disposed of in the aforesaid terms.

11. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

NOVEMBER 24, 2017
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