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

+ **W.P.(C) 6529/2018**

ANITA CHOPRA AND ANR.

..... Petitioner

Through Mr Rajiv Bajaj, Advocate.

versus

GOVERNEMENT OF NCT OF DELHI

AND ORS.

..... Respondents

Through Mr Shadan Farasat, ASC with Mr Ahmed Said, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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11.07.2018

CM 24949/2018

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

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3. The petitioners – senior citizens – have filed the present petition, *inter alia*, praying as under:-

“Issue a writ of mandamus whereby directing the Respondent no.1 to form a Tribunal as per Rule 3 provided under Chapter 2 for the Maintenance & Welfare of Parents & Senior Citizen Act, 2007 & further or in alternative may exercise its powers under Article 226 of Constitution of India to adjudicate the present complaint filed by the Petitioners & pass appropriate order.”

4. It is apparent from the pleadings that the petitioners seek to evict respondent nos. 2 & 3 from their premises and does not seek any

maintenance under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereafter 'the Act').

5. The question regarding eviction of persons occupying the premises of the senior citizens is required to be dealt with by the Deputy Commissioner/District Magistrate in terms of Rule 22 (3)(1)(i) of the the Delhi Maintenance and Welfare of Parents and Senior Citizens (Amendment) Rules, 2016; and, not by the Maintenance Tribunal constituted under Rule 3 of the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 for adjudicating the matters provided under Section 5 of the Act.

6. The learned counsel appearing for the respondents states that the complaint filed by the petitioners has already been forwarded to the concerned District Magistrate and the same is being inquired into. He further states that apart from the above, the Maintenance Tribunal required to be constituted under Rule 3 of the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 is also functional.

7. In view of the above, no further orders are required to be passed in this petition.

8. It is clarified that if the petitioners are not satisfied by the decision of the concerned District Magistrate, they also have the remedy for preferring an appeal under Rule 22(3)(4) of the Delhi Maintenance and Welfare of Parents and Senior Citizens (Amendment) Rules, 2016.

9. The petition is disposed of.

VIBHU BAKHRU, J

JULY 11, 2018

pkv