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

+ **W.P.(C) 493/2017 & CM APPL. 2260/2017**

SURINDER SINGH & ANR.

..... Petitioners

Through Mr Prakash Gautam, Mr Sanjeev
Kaushal, Advocates.

versus

GOVERNMENT OF NCT OF DELHI & ANR. Respondents

Through Ms Tara Narula, Ms Nidhi Nagpal,
Advocates for R1.

Mr Ashok Anand, Advocate for R2 with R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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30.01.2019

1. The petitioner has filed the present petition impugning an order dated 30.09.2016 passed by the Maintenance Tribunal (Central District) Delhi under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereafter 'the Act').

2. The impugned order was passed at the instance of the respondent no.2, who is a senior citizen. He had filed a complaint alleging that the petitioners – Surinder Singh and Ranjeet Kaur, brother and sister of the respondent no.2 – were insulting and abusing him and his family. He had also claimed that they were restraining him from meeting their mother. In addition, he had also made a separate complaint contending that the petitioners had let out certain portion of the premises of the building (9A/26,

WEA Karol Bagh) to 15-20 boys who are incessantly harassing respondent no.2.

3. The learned counsel appearing for the petitioners submits that the impugned order is without jurisdiction as the petitioners do not fall within the definition of a 'relative' as defined under Section 2(g) of the Act. He further submits that provisions of Section 4 and 5 of the Act are wholly inapplicable in the facts of the present case and, therefore, the Maintenance Tribunal had no jurisdiction to pass the impugned order.

4. At the outset, it would be relevant to refer to the operative part of the impugned order, which is set out below:-

“1. That the respondents shall be responsible to regulate the movement and activities of their Visitors and paying guest boys accommodated on ground, second and third floor of the building 9A/26, WEA Karol Bagh, New Delhi. In such a manner that it doesn't cause any nuisance or hindrance in the peaceful life of the petitioner.

2. That the respondents shall provide for the petitioner a duplicate set of keys of the lock/door installed in the staircase on second floor, so that the petitioner could go upstairs to use the common open terrace to check overhead water tank.

3. That respondents shall remove CCTV cameras installed on the Second Floor of the building front and back portion as they intrude into the privacy of the petitioner and his family.

4. That the respondents shall not create any hassles or hindrance in the peaceful life of the petitioner, and allow him to live peacefully in his portion of the building.

5. That the petitioner too shall not try to enter into any

other portion of the building except his portion on first floor, the petitioner shall enter only part of ground floor where his water pump is installed at reasonable time with due intimation and permission of occupants of ground floor, to check his water pump.

5. That the S.H.O. P.S. Karol Bagh, Delhi shall ensure timely compliance and enforcement of the above orders/directions, status/action taken report in this regard be sent to the tribunal within three weeks of the order. The S.H.O. shall depute beat officer for regular visit to the petitioner to ensure safety and protection to the life of the senior citizen petitioner.”

5. It is apparent from the above that no order for grant of maintenance has been passed in favour of respondent no.2. All the directions are, essentially, directed towards ensuring that respondent no.2 can live in the premises peacefully and with certain dignity. This Court had also pointedly asked the learned counsel for the petitioner to indicate the directions from which the petitioners are aggrieved. He submitted that the petitioners were, essentially, aggrieved by the direction issued to the SHO, P.S. Karol Bagh, Delhi to ensure timely compliance and enforcement of the directions. He further submitted that the petitioners were also aggrieved by the direction of the Maintenance Tribunal directing the petitioners to remove the CCTV Cameras. He further submits that taking advantage of the impugned order, respondent no.2 continues to take recourse by making complaints to SHO P.S. Karol Bagh.

6. This Court finds no infirmity with the said directions. Plainly, the petitioners cannot be permitted to place CCTV Cameras which would impinge on the privacy of respondent no.2 and his family. The petitioners

cannot raise any grievance regarding the directions issued to the SHO as well. The said directions are issued to ensure safety and protection of respondent no.2.

7. It is relevant to note that under Section 22 (2) of the Act, the State Government is enjoined to prescribe a comprehensive action plan for providing protection of the life and property of senior citizens. The Maintenance Tribunal has stepped into issuing directions for ensuring that the said object is duly satisfied.

8. This Court is also of the view that the petitioners can have no legitimate grievance against the directions issued in the impugned order.

9. It is also well settled that the remedy under Article 226 of the Constitution of India is discretionary and this Court finds no reason to exercise its discretion to entertain this petition.

10. In view of the above, the present petition is dismissed. The pending application stands disposed of.

VIBHU BAKHRU, J

JANUARY 30, 2019

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